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LEGISLATIVE HISTORY

Public Law 875 - 81st Congress

Chapter 1125 - 2d Session

H. R. 8396

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DIGEST OF PUBLIC LAW 875

FEDERAL ASSISTANCE TO STATES AND LOCAL GOVERNMENTS IN MAJOR DISASTERS. The purpose of the bill is to provide for an orderly and continuing method of rendering assistance to the States and local governments in alleviating suffering and damage resulting from a major peacetime disaster and in restoring public facilities and in supplementing whatever aid the State or local governments can render themselves. The bill provides a framework for the Federal Government under which prompt action can be taken in meeting the needs of stricken areas, and it will establish a general Government policy in respect to emergency relief in all future disasters, instead of meeting the problem after it occurs.

INDEX AND SUMMARY OF HISTORY ON H. R. 8396

- May 5, 1950 H. R. 8396 was introduced by Rep. Lemke and referred to the House Committee on Public Works. Print of the bill as introduced.
- July 25, 1950 House Committee reported H. R. 8396 with amendments. House Report 2727. Print of the bill as reported.
- August 7, 1950 House Rules Committee reported H. Res. 742 for the consideration of H. R. 8396.
- House debated, amended and passed H. R. 8396.
- August 8, 1950 Print of H. R. 8396 as passed the House and referred to the Senate Committee on Public Works.
- September 14, 1950 Senate Committee on Public Works reported H. R. 8396 without amendment. Senate Report 2571. Print of the bill as reported.
- September 19, 1950 Senate debated and passed H. R. 8396 without amendment.
- September 30, 1950 Approved. Public Law 875.

81ST CONGRESS
2^D SESSION

H. R. 8396

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 1950

Mr. LEMKE introduced the following bill; which was referred to the Committee on Public Works

A BILL

To authorize Federal assistance to States and local governments in major disasters, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled;*
3 That it is the intent of Congress to provide an orderly and
4 continuing means of assistance by the Federal Government
5 to States and local governments in carrying out their
6 responsibilities to alleviate suffering and damage resulting
7 from major disasters, to restore essential public facilities
8 in major disasters, and to foster the development of such
9 State and local organizations and plans to cope with major
10 disasters as may be necessary.

11 SEC. 2. As used in this Act, the following terms shall

1 be construed as follows unless a contrary intent appears from
2 the context:

3 (a) "Major disaster" means any flood, drought, fire,
4 hurricane, earthquake, storm, or other catastrophe in any
5 part of the United States which, in the determination of the
6 President, is or threatens to be of sufficient severity and
7 magnitude to warrant disaster assistance by the Federal
8 Government to supplement the efforts and available resources
9 of States and local governments in alleviating the damage,
10 hardship, or suffering caused thereby, and respecting which
11 the governor of any State (or the Board of Commissioners
12 of the District of Columbia) in which such catastrophe may
13 occur or threaten certifies the need for disaster assistance
14 under this Act;

15 (b) "United States" includes the District of Columbia,
16 Alaska, Hawaii, Puerto Rico, and the Virgin Islands;

17 (c) "State" means any State in the United States,
18 Alaska, Hawaii, Puerto Rico, and the Virgin Islands;

19 (d) "Governor" means the chief executive of any State;

20 (e) "Local government" means any county, city, vil-
21 lage, town, district, or other political subdivision of any State,
22 or the District of Columbia;

23 (f) "Federal agency" means any department, inde-
24 pendent establishment, Government corporation, or other

1 agency of the executive branch of the Federal Government,
2 excepting, however, the American National Red Cross.

3 SEC. .3. In any major disaster, Federal agencies are
4 hereby authorized to provide assistance (a) by utilizing
5 or lending, with or without compensation therefor, to States
6 and local governments their equipment, supplies, facilities,
7 personnel, and other resources, other than the extension of
8 credit under the authority of any Act; (b) by distributing,
9 through the American National Red Cross or otherwise,
10 medicine, food, and other consumable supplies; (c) by
11 donating to States and local governments equipment and
12 supplies determined under then existing law to be surplus
13 to the needs and responsibilities of the Federal Govern-
14 ment; and (d) by performing on public or private lands
15 protective and other work essential for the preservation of
16 life and property, clearing debris and wreckage, making
17 emergency repairs to and temporary replacements of public
18 facilities of local governments damaged or destroyed in such
19 major disaster, and making contributions to States and local
20 governments for the above-stated purposes. The authority
21 conferred by this Act, and any funds provided hereunder
22 shall be supplementary to, and not in substitution for, nor
23 in limitation of, any other authority conferred or funds pro-
24 vided under any other law.

1 SEC. 4. In providing such assistance hereunder, Federal
2 agencies shall cooperate to the fullest extent possible with
3 each other and with States and local governments, relief
4 agencies, and the American National Red Cross, but nothing
5 contained in this Act shall be construed to limit or in any
6 way affect the responsibilities of the American National
7 Red Cross under the Act approved January 5, 1905 (33
8 Stat. 599), as amended.

9 SEC. 5. (a) In the interest of providing maximum
10 mobilization of Federal assistance under this Act, the Presi-
11 dent is authorized to coordinate in such manner as he may
12 determine the activities of Federal agencies in providing
13 disaster assistance. The President may direct any Federal
14 agency to utilize its available personnel, equipment, supplies,
15 facilities, and other resources, in accordance with the au-
16 thority herein contained.

17 (b) The President may, from time to time, prescribe
18 such rules and regulations as may be necessary and proper
19 to carry out any of the provisions of this Act, and he may
20 exercise any power or authority conferred on him by any
21 section of this Act either directly or through such agency as
22 he may designate.

23 SEC. 6. In any major disaster the President is author-
24 ized to make grants of funds to local governments for re-
25 storing, reconstructing, or replacing their public facilities

1 damaged or destroyed in such major disaster. Such grants
2 shall not exceed 50 per centum of the estimated cost, as
3 determined by the President, of the restoration, reconstruc-
4 tion, or replacement of such public facilities without enlarge-
5 ment of service capacity or other betterment, excepting that
6 the grant may exceed 50 per centum of such estimated cost
7 in the case of a local government with respect to which the
8 President specifically finds and declares that the damage to
9 public facilities resulting from such major disaster is of such
10 magnitude and extent that the fiscal resources of the local
11 government are insufficient to defray 50 per centum of such
12 cost: *Provided, however,* That in determining the fiscal
13 resources of the local government consideration shall be
14 given to (1) the extent and probable duration of any im-
15 pairment of the taxing base and borrowing authority of the
16 local government as a result of the major disaster, (2) the
17 existing or prospective availability of aid from State and
18 other sources, and (3) the eligibility of the particular local
19 government project for Federal financial assistance under
20 other law. Grants made under this section may be used to
21 enable the recipient thereof to qualify for other Federal
22 financial assistance which is conditioned upon State or local
23 participation in financing the work.

24 SEC. 7. If facilities owned by the United States are

1 damaged or destroyed in any major disaster and the Federal
2 agency having jurisdiction thereof lacks the authority or an
3 appropriation to repair, reconstruct, or restore such facilities,
4 such Federal agency is hereby authorized to repair, recon-
5 struct, or restore such facilities to the extent necessary to
6 place them in a reasonably usable condition and to use there-
7 for any available funds not otherwise immediately required:
8 *Provided, however,* That the President shall first determine
9 that the repair, reconstruction, or restoration is of such im-
10 portance and urgency that it cannot reasonably be deferred
11 pending the enactment of specific authorizing legislation or
12 the making of an appropriation therefor. If sufficient funds
13 are not available to such Federal agency for use in repairing,
14 reconstructing, or restoring such facilities as above provided,
15 the President is authorized to transfer to such Federal agency
16 funds made available under this Act in such amount as he
17 may determine to be warranted in the circumstances. Such
18 repair, reconstruction, or restoration may be performed with-
19 out regard to section 3709 of the Revised Statutes. There is
20 hereby authorized to be appropriated to any Federal agency
21 repairing, reconstructing, or restoring facilities under author-
22 ity of this section such sum or sums as may be necessary to
23 reimburse appropriated funds to the amount expended
24 therefrom.

25 SEC. 8. In carrying out the purposes of this Act, any

1 Federal agency is authorized to accept and utilize with the
2 consent of any State or local government, the services and
3 facilities of such State or local government, or of any agen-
4 cies, officers, or employees thereof. Any Federal agency,
5 in performing any activities under section 3 of this Act,
6 is authorized to employ temporarily additional personnel
7 without regard to the civil-service laws and the Classifica-
8 tion Act of 1923, as amended, and to incur obligations on
9 behalf of the United States by contract or otherwise for
10 the acquisition, rental, or hire of equipment, services, mate-
11 rials, and supplies for shipping, drayage, travel and com-
12 munication, and for the supervision and administration of
13 such activities. Such obligations, including obligations aris-
14 ing out of the temporary employment of additional per-
15 sonnel, may be incurred by any agency in such amount
16 as may be made available to it by the President out of
17 the funds specified in section 9. The President may, also,
18 out of such funds, reimburse any Federal agency for any
19 of its expenditures under section 3 in connection with a
20 major disaster incurred prior to the President's determina-
21 tion respecting such major disaster, such reimbursement to
22 be in such amounts as the President may deem appro-
23 priate. Neither section 3709 of the Revised Statutes (41
24 U. S. C., sec. 5) nor section 3679 of the Revised Statutes
25 (31 U. S. C., sec. 665) shall be applicable to any action

1 taken pursuant to this section. The provisions of section
2 607 of the Federal Employees Pay Act of 1945, as amended,
3 shall not be applicable to additional personnel temporarily
4 employed hereunder.

5 SEC. 9. There are hereby authorized to be appropriated
6 such amounts as may be necessary to carry out the purposes
7 of this Act, including necessary administrative expenses.

8 SEC. 10. The Act of July 25, 1947, (Public Law 233,
9 Eightieth Congress), entitled "An Act to make surplus
10 property available for the alleviation of damage caused by
11 flood or other catastrophe", is hereby repealed.

81ST CONGRESS
2^D SESSION

H. R. 8396

A BILL

To authorize Federal assistance to States and local governments in major disasters, and for other purposes.

By Mr. LEMKE

MAY 5, 1950

Referred to the Committee on Public Works

AUTHORIZING FEDERAL ASSISTANCE TO STATES AND LOCAL GOVERNMENTS IN MAJOR DISASTERS

JULY 25, 1950.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. WHITTINGTON, from the Committee on Public Works, submitted
the following

R E P O R T

[To accompany H. R. 8396]

The Committee on Public Works, to whom was referred the bill
(H. R. 8396) to authorize Federal assistance to States and local governments in major disasters, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

The amendments are as follows:

On page 2, line 14, strike out the semicolon after word "Act" and insert comma and add:

and shall give assurance of expenditure of a reasonable amount of the funds of the Government of such State, local Governments therein, or other agencies, for the same or similar purposes with respect to such catastrophe;

On page 3, line 20, strike out the words "the above stated"; and after the word "purposes", strike out period and insert the words "stated in subsection (d)."

On page 3, line 24, following the period, add new sentences:

Any funds received by Federal agencies as reimbursement for services or supplies furnished under the authority of this section shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies. The Federal Government shall not be liable for any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Government in carrying out the provisions of this section.

On page 4, line 23, strike out all of section 6.

On page 5, line 24, change "SEC. 7" to "SEC. 6".

On page 6, line 17, strike out entire sentence reading:

Such repair, reconstruction, or restoration may be performed without regard to section 3709 of the Revised Statutes.

FEDERAL ASSISTANCE IN MAJOR DISASTERS

On page 6, line 19, insert the following words before the word "There": "If said funds are insufficient for this purpose," and change the word "There" to "there".

On page 6, line 25, change "SEC. 8." to "SEC. 7."

On page 7, line 23, strike out entire sentence reading:

Neither section 3709 of the Revised Statutes (41 U. S. C., sec. 5) nor section 3679 of the Revised Statutes (31 U. S. C., sec. 665) shall be applicable to any action taken pursuant to this section.

On page 8, line 5, strike out entire section 9 and insert in lieu thereof the following:

SEC. 8. There is hereby authorized to be appropriated to the President a sum or sums, not exceeding \$5,000,000 in the aggregate to carry out the purposes of this Act. The President shall transmit to the Congress at the beginning of each regular session a full report covering the expenditure of the amounts so appropriated with the amounts of the allocations to each State under this Act. The President may from time to time transmit to the Congress supplemental reports in his discretion, all of which reports shall be referred to the Committees on Appropriations and the Committees on Public Works of the Senate and the House of Representatives.

On page 8, line 8, change "SEC. 10" to "SEC. 9."

The committee conducted hearings on the above bill introduced by the late Representative Lemke, and on the identical bill, H. R. 8461, introduced by Representative Hagen. The committee also conducted hearings at the same time on H. R. 8390, H. R. 8420, and H. R. 8435 which provided for the repair of roads, bridges, and other facilities in the States of Minnesota and North Dakota. These bills were not reported since the purpose of all of the bills was to provide for emergency relief and such relief is provided for in H. R. 8396, as amended. The hearings are available.

This bill will cover disasters occurring anywhere in the entire country instead of a particular State or locality.

The purpose of the bill is to provide for an orderly and continuing method of rendering assistance to the States and local governments in alleviating suffering and damage resulting from a major peacetime disaster and in restoring public facilities and in supplementing whatever aid the State or local governments can render themselves. Also it authorizes the President to coordinate the activities of all Federal agencies in such an emergency. In the past appropriations to the President have been made for relief from floods and snowstorms in particular areas without authorization, and hence this bill is not novel legislation. The bill provides a framework for the Federal Government under which prompt action can be taken in meeting the needs of stricken areas, and it will establish a general Government policy in respect to emergency relief in all future disasters, instead of meeting the problem after it occurs.

The principal amendment to the bill is to strike out section 6. This section would project the Federal Government into a grant program for the permanent construction of public utilities. It would go much beyond the development of emergency measures essential for the preservation of life and property. The committee does not believe that such a program has any place in an authorization bill for emergency relief. Also the committee believes that restoration of local government facilities during a period in which there is no direct threat to lives and property is a responsibility of the local authorities. The committee, therefore, is unanimously of the opinion that section 6 should be stricken from the bill.

Section 2 (a) has been amended so that all requests for aid should be made by the Governor of the State needing assistance in the case of a disaster and also to provide that he must give assurance of the expenditure of reasonable amounts by the States or local agencies to supplement the Federal aid.

The committee did not believe that section 2 (b) needed to be amended so that Indian communities would be included in the definition of "United States" as requested by the Department of the Interior because all such Indian communities are located in the United States and would be included in this definition.

Section 3 of the bill has been amended to provide that any funds received by Federal agencies as reimbursement for services and supplies furnished shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies. Also this section has been amended to provide that the Federal Government shall not be liable for any claims based upon the proper exercise or performance of a function or duty on the part of any Federal agency or any employee of the Government in carrying out the provisions of the section.

The bill authorizes appropriations to any Federal agency for repair and reconstruction of any of its facilities if the funds made available by the President out of emergency appropriations are insufficient.

The committee felt that inasmuch as only amounts totaling \$3,-250,000 have been appropriated for major disasters, as emergency funds to be disbursed by the President, in recent years, which funds included appropriations for relief to the States in snow-bound and flooded areas, that there should be a ceiling on the total amount that might be appropriated and this ceiling or aggregate total amount authorized to be appropriated should be \$5,000,000.

It was also the committee's view that inasmuch as the President in the past designated the existing agencies of the Government to administer emergency relief, there was no occasion to authorize any part of the funds appropriated to be used for administrative expenses.

It was also felt that it would be desirable that reports should be submitted to the Congress by the President annually and from time to time as to the allocation of the funds inasmuch as lump sums have been appropriated to the President for emergency purposes.

The bills were referred to the Bureau of the Budget, the General Services Administration, the Department of the Army, The American National Red Cross, the Treasury Department, the Department of Agriculture, the Department of the Interior, the Federal Security Agency, the United States Civil Service Commission, and the Department of Commerce for comment and report. The Chief of Engineers advised as to flood damages during the past year, and the Bureau of Public Roads advised as to damages to roads and bridges in the 1950 floods and this information is contained in the hearings.

It was suggested that the bill be amended so that appropriations made should be available until expended. The committee rejected this suggestion. Such an amendment would not be in line with the purpose of the bill. The committee is of the opinion that the bill should provide authorization for emergency purposes only, and that the fund should be used for the emergency, and if not used, should be covered into the Treasury.

ANALYSIS OF H. R. 8396 AS AMENDED

Section 1. The general purpose of this bill is to give assistance to States and local governments suffering from a major disaster.

Section 2 defines a "major disaster" as any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe and makes Federal assistance available when the governor of any State certifies the need for any such assistance, and gives assurance that the State or local government will supplement the Federal aid.

Section 3 authorizes Federal agencies to provide assistance by utilizing, lending, or donating equipment, supplies, food, medicine, and personnel and such agencies may make emergency repairs and temporary replacements of public facilities of local governments damaged or destroyed by a major disaster.

Section 4 provides that Federal agencies shall cooperate with States and local governments, relief agencies, and the Red Cross in carrying out the purposes of the act.

Section 5. The President is authorized to coordinate the activities of Federal agencies in providing assistance and may direct any Federal agency to utilize its personnel, equipment, and facilities and other resources to accomplish the purposes of the act and may act directly or through such agency in accomplishing this purpose.

Section 6. The property of any Federal agency damaged or destroyed may use any available funds not otherwise immediately required to restore any destroyed property and may be reimbursed out of future appropriations. If the agency does not have sufficient funds available, the President may transfer to such agency any funds available under this act and if such funds are insufficient then authorization for appropriation is provided for.

Section 7 provides for exemption from civil-service laws of personnel required to carry out the purposes of the act and permits any Federal agency to make contracts with local interests for the use of equipment and services. The provisions of section 607 of the Federal Employees Pay Act of 1945, as amended, shall not be applicable to additional personnel temporarily employed.

Section 8 provides that the total amount authorized to be appropriated is the sum of \$5,000,000 and also provides that the President shall report to Congress annually and in his discretion from time to time covering the expenditures of the amounts appropriated with the amounts and allocations to each State under the act.

Section 9. The act of July 25, 1947, entitled "An act to make surplus property available for the alleviation of damage caused by flood or other catastrophe," is repealed.

The Bureau of the Budget submitted a report on July 17, 1950, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington 25, D. C., July 17, 1950.

Hon. WILL M. WHITTINGTON,

Chairman, Committee on Public Works,

House of Representatives, New House Office Building,

Washington 25, D. C.

MY DEAR MR. WHITTINGTON: This is in response to your letters of May 11 and 12, 1950, requesting the views of the Bureau of the Budget on H. R. 8396 and H. R. 8461, identical bills authorizing Federal assistance to States and local governments in major disasters, and for other purposes.

These bills would authorize Federal expenditures for disaster relief and have as their objectives the provision of an orderly and continuing method whereby the Federal Government could assist State and local governments (1) in alleviating suffering and damage resulting from major disasters, (2) in restoring essential public facilities in major disasters, and (3) in fostering the development of State and local plans and organizations for coping with major disasters. Both bills would authorize the President to coordinate the activities of all Federal agencies in providing this disaster assistance.

As you know, the President, in his budget message to the Congress for the fiscal year 1951, recommended the enactment of general disaster relief legislation which would permit the Federal Government to take prompt action in meeting the needs of stricken areas.

When S. 2415, a companion bill to H. R. 8396 and H. R. 8461, was first introduced in the Senate last year, it was submitted by the executive branch with the approval of the President. Since that time, further intensive study has been given all provisions of the bill. As a result of this study and further experience with the President's emergency fund, the Bureau of the Budget believes that section 6, in both H. R. 8396 and H. R. 8461, would present serious practical problems of administration and, further, raises the question of the proper role of the Federal Government as against that of the State and local governments in the permanent reconstruction of local public facilities.

Section 6 would authorize the President to make grants to local governments for restoring, reconstructing, or replacing their public facilities damaged or destroyed in a major disaster. Such Federal grants would not exceed 50 percent of the estimated cost of restoration, replacement, and reconstruction, except upon a finding by the President that the damage is of such magnitude and extent that the fiscal resources of the local community are not able to meet it.

Section 6 would clearly project the Federal Government into a grant program for the permanent construction of public facilities and would go considerably beyond the provision of emergency measures essential to the preservation of life and property and the temporary restoration of public facilities.

The responsibility of the Federal Government to supplement State and local resources when disaster strikes has long been recognized, and many Federal agencies already have existing authority to render emergency assistance to protect life and property. In the past, however, responsibility for the permanent restoration and replacement of local public facilities when the immediate threat to lives and property has subsided has clearly been that of the State and local governments affected. In view of these facts the Bureau of the Budget believes it inappropriate to include a provision requiring Federal participation in the permanent construction of local public facilities in legislation designed to meet emergency needs during and immediately following major disasters.

The Bureau of the budget, therefore, recommends strongly against the enactment at this time of the provisions contained in section 6 of H. R. 8396 and H. R. 8461. The remaining sections of the bills would meet the objectives of assuring prompt Federal action on a coordinated basis in assisting State and local governments in time of disaster and would be fully in accord with the program of the President.

Sincerely yours,

ELMER B. STAATS,
Assistant Director.

General Services Administration submitted a report, dated July 18, 1950, as follows:

GENERAL SERVICES ADMINISTRATION,
Washington, July 18, 1950.

Hon. WILL M. WHITTINGTON,
*Chairman, Committee on Public Works,
House of Representatives, Washington, D. C.*

DEAR MR. WHITTINGTON: In response to your letter of May 11, 1950, with which you enclosed a copy of H. R. 8396, Eighty-first Congress, second session, entitled "A bill to authorize Federal assistance to States and local governments in major disasters, and for other purposes," and in which you requested my views on the advisability of enacting the provisions of the bill into law, please be advised that the General Services Administration recommends that your committee report favorably on this measure and that it be promptly passed by the Congress. Amendment of the bill in one respect is suggested, however, which we will discuss hereinafter.

The bill has been introduced in recognition of the importance of coordinating Federal aid in major disasters and developing means for prompt and effective assistance in combating such disasters. On October 21, 1948, the President requested the Federal Works Administrator (whose functions were transferred to the Administrator of General Services by the Federal Property and Administrative Services Act of 1949) to call together all Federal agencies interested in Federal disaster relief and to draft comprehensive legislation for the coordination and provision of such relief. Pursuant to such assignment, the Federal Works Administrator conferred with representatives of the various interested Federal agencies and obtained their views respecting Federal legislation deemed desirable to carry out the President's objective. H. R. 8396 is substantially in accord with the type of proposed legislation which was developed as the result of such studies by the Federal Works Agency.

Briefly, the bill includes these major provisions:

(1) The authority vested under the bill can be exercised only if the President determines that the disaster is of sufficient magnitude to warrant Federal aid to supplement State and local resources and the governor of the respective State certifies the need for disaster assistance;

(2) Federal agencies are authorized to provide assistance (a) by utilizing or lending to States and local governments their equipment, facilities, personnel, and other resources (exclusive of credit); (b) by distributing medicines, food, and other consumable supplies; (c) by donating to States and local governments surplus equipment and supplies; and (d) by performing protective and other work for preservation of life and property, making emergency repairs to and temporary replacements of public facilities, and making contributions to States and local governments for said purposes;

(3) The President is authorized to coordinate the activities of Federal agencies in providing disaster assistance;

(4) The President is authorized to make grants of funds to local governments for restoring, reconstructing, or replacing public facilities destroyed or damaged in any major disaster; and

(5) Federal agencies, under certain limitations, are authorized to repair, reconstruct, or restore federally owned facilities damaged or destroyed in any major disaster.

H. R. 8396 evidently is intended to apply in general to peacetime civilian disasters even though the definition of "major disaster" in section 2 (a) is broad enough to include disasters engendered by war, enemy attack, or subversive action.

The suggested amendment to the bill, previously referred to, is the exclusion of section 6, the provisions of which have been broadly summarized under (4) above. This section contemplates the restoration, reconstruction, or replacement, on a permanent basis, of public facilities damaged or destroyed in major disasters. It does not seem that the proposal for replacement on such a broad and comprehensive scale is in line with the general objective of H. R. 8396, which is the alleviation of suffering and damage immediately resulting from major disasters. Restoration of the entire status quo ante goes far beyond the mere making of emergency repairs to and temporary replacement of public facilities necessary to tide over the distress period following quickly upon the occurrence of the disaster. Adequate authority for the latter action is contained in clause (d) of section 3 of the bill, and we believe that in a legislative proposal of the nature of H. R. 8396 it is unnecessary to go further than that. Indeed, to make crystal-clear that the Federal Government is not to be held responsible for providing aid for permanent restoration, it is suggested that the language appearing on page 3, line 17, be revised so that it will read "emergency repairs to and substitutions for essential facilities." If section 6 be eliminated from the bill, it would be appropriate to strike the word "restore" in section 1 of the bill (p. 1, line 7) and to substitute therefor the words "make emergency repairs to and substitutions for," so that the text here would read "to make emergency repairs to and substitutions for essential public facilities in major disasters."

The foregoing observations are not to be taken as implying that there may not be certain special circumstances in which it would be appropriate for the Federal Government to make permanent restoration of facilities damaged or destroyed by major disasters. The extent of the catastrophe, the ability of the local government to make replacement, and the relation to national security would be important factors in the determination whether, under the particular facts of the case, full restoration of facilities by the Federal Government would be warranted. Such cases are for consideration on their own merits and special congressional action.

The Bureau of the Budget has advised that S. 2415, Eighty-first Congress, first session, which is identical in text with H. R. 8396, is, with the exclusion of section 6, in accord with the program of the President. I consider these bills an excellent approach to the problem of providing Federal aid in major disasters, and believe that enactment by the Congress of such proposed legislation will produce salutary results.

Sincerely yours,

JESS LARSON, *Administrator.*

The Department of the Army submitted a report, dated June 7, 1950, as follows:

DEPARTMENT OF THE ARMY,
Washington, D. C., June 7, 1950.

Hon. WILL M. WHITTINGTON,
Chairman, Committee on Public Works,
House of Representatives.

DEAR MR. WHITTINGTON: Reference is made to your recent request to the Secretary of Defense for the views of the Department of Defense with respect to H. R. 8396 and H. R. 8461, Eighty-first Congress, identical bills to authorize Federal assistance to States and local governments in major disasters, and for other purposes. The Secretary of Defense has delegated to this Department the responsibility for expressing the views of the Department of Defense.

The Department of the Army is in hearty accord with the objectives of H. R. 8396 and H. R. 8461, but is of the opinion that these bills, as presently drafted, are not wholly satisfactory. Therefore, the following comments and suggestions are respectfully submitted for your consideration:

(a) Section 2 (b) excludes from its coverage such United States possessions as the Canal Zone, Guam, Wake, Midway Islands, and Samoa. Consideration might be given to the inclusion of all United States possessions.

(b) These bills contain no authority to deposit to the credit of the proper appropriations any amounts received from State or local governments or private relief agencies for supplies or services furnished. Subdivision (a) of the first sentence of section 3 authorizes the utilization or lending of Federal property with or without compensation, indicating that reimbursement will be made in some cases. Specific authority should be included to credit such reimbursement to proper appropriations.

(c) Subdivision (d) of the first sentence of section 3 should incorporate language to insure that in the performance of these functions, the Federal Government shall not be liable for claims based upon the exercise of or the failure to exercise a discretionary duty as provided in section 2680 (a) of title 28, United States Code.

(d) Section 3, at line 19, page 3, provides for "making contributions to States and local governments for the above-stated purposes." This might be construed as authorizing unlimited contributions at the expense of the appropriations of the agency concerned. In order to clarify this, it is suggested that the phrase be reworded to read "making, within the limits of funds appropriated or made available to such Federal agencies for the purpose, contributions to States and local governments for the above-stated purposes."

(e) Under section 3, paragraph (a), Federal agencies are authorized to provide certain assistance by means "other than the extension of credit under the authority of any Act." At the same time, however, in paragraph (d) of that section Federal agencies are authorized to make "contributions to States and local governments for the above-stated purposes." It is not clear whether "the above-stated purposes" referred to in paragraph (d) are those set forth in that paragraph alone or include those contained in paragraphs (a), (b), and (c) as well. Amendment of section 3, paragraph (d), by substituting the words "for the purposes stated in this paragraph" would appear to clarify the apparent intent of that provision.

(f) Consideration should be given to inclusion in line 19, section 7, exemption to section 3733 Revised Statutes which prohibit contract for erection, repair, or furnishing of public buildings in excess of the amount appropriated for the purpose. Section 7 as well as section 8 should contain a waiver of the provisions of the Armed Services Procurement Act of 1947 (Public Law 413, 80th Cong.), which establishes prescribed formulas in the awarding of contracts and might conflict with the aforementioned sections.

(g) Specification should be contained in these bills with respect to whether Federal agencies may use their own appropriations for disaster relief in the absence of any specific appropriation for that purpose under section 9, or whether Federal

agencies may use their own appropriations only to the extent that funds appropriated to the President are available for later reimbursement. These bills as now worded indicate that certain supplies and services may be furnished without any specific appropriation, but that others must be within the limits of funds allocated by the President.

(h) Section 8 authorizes the incurring of obligations for acquisition, rental, or hire of equipment or supplies for shipping, drayage, travel, and communication. Consideration might be given to broadening this authority to include other services essential in disaster relief.

If these bills are amended as above indicated, the Department of the Army recommends the enactment thereof.

It is noted that these bills make provision for disaster relief in the United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands. The armed services are continually faced with the necessity for providing disaster relief in foreign countries. It appears that cognizance should be taken to including in these bills or in other legislation some authority for such practices, if only to the extent of authorizing the use of equipment, facilities, and supplies of the services subject to reimbursement from the foreign country which reimbursement may be deposited to the credit of the proper appropriations used to provide the assistance.

(65) The fiscal effects of H. R. 8396 and H. R. 8461 will depend upon the needs for disaster relief and the materials and funds used for that purpose under the authority granted by these bills. If the wording of these bills is clarified, to indicate that all aid provided must be within the limits of actual appropriations, then the cost of the legislation will be governed by the amount of the appropriation.

An identical report on S. 2415 has been coordinated among the departments and boards in the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advised that there was no objection to the submission of an identical report on S. 2415, a companion bill. Comments of the General Services Administration on S. 2415, with which the Bureau of the Budget is in agreement, are inclosed for your information.

Sincerely yours,

FRANK PACE, Jr.,
Secretary of the Army.

GENERAL SERVICES ADMINISTRATION,
Washington, May 9, 1950.

Hon. F. J. LAWTON,
Director, Bureau of the Budget.

DEAR MR. LAWTON: Reference is made to Mr. MacPhail's letter of November 7, 1949, requesting our views with respect to the report submitted by the Secretary of the Army on S. 2415, entitled "A bill to authorize Federal assistance to States and local governments in major disasters, and for other purposes."

This Administration's comments and views regarding the bill were contained in our letter of August 30, 1949, to Senator Chavez, copies of which were forwarded to you for clearance. Our comments in this letter will therefore be limited to suggestions (a) through (h) in the report of the Secretary of the Army.

We concur in suggestions (a), (b), (c), and (d) of the Secretary of the Army.

We concur in substance in suggestion (e) but would revise the wording of the proposed amendment to read "for the purposes stated in this subsection."

Suggestion (f) embodies two proposed changes. We believe that the language of section 7 of S. 2415 constitutes an exception to the provisions of Revised Statutes 3733 (42 U. S. C. A. 12) insofar as the repair, reconstruction or restoration of federally owned facilities damaged or destroyed in a major disaster are concerned. However, if it is desired to amend the bill to clarify this point we do not object. We do not perceive the need for waiving the provisions of the Armed Services Procurement Act of 1947 (Public Law 413, 80th Cong.). It is our opinion that such act is sufficiently broad to permit appropriate negotiation of contracts in cases of disaster. The same considerations apply to title III of Public Law 152, Eighty-first Congress.

We do not recommend the adoption of suggestion (g). It is stated therein that "Specifications should be contained in the bill with respect to whether Federal agencies may use their own appropriations for disaster relief in the absence of any specific appropriation for that purpose under section 9 of the bill, or whether Federal agencies may use their own appropriations only to the extent that funds appropriated to the President are available for later reimbursement."

" In our opinion, section 8 of the bill authorizes Federal agencies to use their own funds in time of major disaster to provide immediate relief within the limitations of the bill in advance of the President's determination respecting any such major disaster. (See last sentence commencing on line 20 of p. 7 of the bill.) Furthermore, it seems clear from said sentence that Federal agencies are not limited in expending their own funds to the extent that funds appropriated to the President may be available for later reimbursement. We believe there need be no apprehension about Government agencies overspending appropriations needed for their own operations when it will be necessary that those agencies obtain funds to replace moneys so expended either from the President's funds or from Congress. On the other hand, we believe it desirable that agencies, in the case of a major disaster, be permitted considerable latitude in carrying on the relief functions permitted by S. 2415.

In suggestion (h) it is recommended that "other services essential in disaster relief" be authorized. In view of the fact that the Secretary of the Army did not enumerate the "other services essential in disaster relief," it is difficult to comment on this point. We are of the opinion that section 8 provides sufficient authority, but if Congress desires to enlarge its provisions we have no objection.

Sincerely yours,

JESS LARSON, *Administrator.*

The American National Red Cross submitted a report, dated May 17, 1950, as follows:

THE AMERICAN NATIONAL RED CROSS,
Washington, D. C., May 17, 1950.

Hon. WILL M. WHITTINGTON,
House of Representatives, Washington, D. C.

MY DEAR MR. WHITTINGTON: Receipt is acknowledged of your communications of May 11 and 12 requesting the views of the American Red Cross concerning the advisability of enacting the provisions of H. R. 8396 or H. R. 8461, bills to authorize Federal assistance to States and local governments in major disasters, and for other purposes.

The proposed legislation includes the provision that "nothing contained in this act shall be construed to limit or in any way affect the responsibilities of the American National Red Cross under the act approved January 5, 1905 (33 Stat. 599), as amended." Hence, the American Red Cross sees no objection to its passage.

Faithfully yours,

G. C. MARSHALL.

The Treasury Department submitted a report, dated May 19, 1950, as follows:

TREASURY DEPARTMENT,
Washington, May 19, 1950.

Hon. WILL M. WHITTINGTON,
*Chairman, Committee on Public Works,
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: Further reference is made to your letters of May 11 and May 12, 1950, requesting a statement of this Department's views on identical bills H. R. 8396 and H. R. 8461, entitled "To authorize Federal assistance to States and local governments in major disasters, and for other purposes."

The proposed legislation would authorize all Federal agencies to provide assistance and to utilize or loan, with or without compensation, their facilities and resources to States and local governments which have established State programs for emergency disaster aid in any major disaster proclaimed by the President. It further authorizes the President to coordinate all relief activities and to reimburse the Federal agencies for certain facilities furnished to the States. The authority conferred by the act on the Federal agencies would be in addition to any existing authority for disaster relief.

The proposed legislation appears to provide adequate machinery for the accomplishment of purposes outlined and this Department would have no objection to the enactment of either bill.

This Department has been advised by the Bureau of the Budget that S. 2415, an identical bill, would be in accord with the program of the President.

Very truly yours,

JOHN W. SNYDER,
Secretary of the Treasury.

The Department of Agriculture submitted a report, dated May 18, 1950, as follows:

DEPARTMENT OF AGRICULTURE,
Washington 25, D. C., May 18, 1950.

Hon. WILL M. WHITTINGTON,
*Chairman, Committee on Public Works,
House of Representatives.*

DEAR MR. WHITTINGTON: This is in reply to your request of May 11, 1950, for a report on H. R. 8396, a bill to authorize Federal assistance to State and local governments in major disasters, and for other purposes. The bill authorizes Federal agencies to provide assistance by making available Government equipment, supplies, facilities, personnel, and other resources, and also authorizes the President to make grants of funds to local governments for replacing public facilities damaged or destroyed in major disasters.

For a long time there has been need for legislation such as is proposed here. Federal agencies have been handicapped by the lack of specific legislation authorizing them to provide assistance to States and local governments in major disasters. Not infrequently, on such occasions, facilities owned by the United States were damaged or destroyed, and in the course of providing aid, large obligations were incurred in alleviating hardship and suffering. In these circumstances the Federal agencies had no assurance that such damaged or destroyed facilities would be restored nor that reimbursement would be had for expenditures incurred. Deficiency appropriations by Congress afforded the only means of relief and such deficiency appropriations were not always assured nor always forthcoming in time to permit adequate financial planning.

Providing the President with authority to reimburse Federal agencies and coordinate their activities, and to make grants of funds to local governments for disaster relief, as contemplated by this bill, appears to be a businesslike approach to these recurrent problems. We suggest only one change in the bill, the purpose of which is obvious: On page 8, line 5, after the word "appropriated," insert "to continue available until expended."

This Department recommends that the bill be passed.

The Bureau of the Budget advises that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely yours,

WESLEY McCUNE,
Executive Assistant to the Secretary.

The Department of the Interior submitted a report, dated June 1, 1950, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C., June 1, 1950.

Hon. WILL M. WHITTINGTON,
*Chairman, Committee on Public Works,
House of Representatives, Washington 25, D. C.*

MY DEAR MR. WHITTINGTON: This is in response to your requests for reports on H. R. 8396 and H. R. 8461, identical bills, to authorize Federal assistance to States and local governments in major disasters.

The Department of the Interior recommends the enactment of legislation such as these bills propose, but suggests amendments as set forth in this report.

H. R. 8396 and H. R. 8461 appear to provide a workable method of providing Federal aid in a field where, from time to time, it has been required. Emergencies of the character covered in these bills occur with sufficient frequency, and generally upon such short notice, that it is clearly desirable to establish suitable standards pursuant to which Federal aid may be made available.

Lack of legislative authority to cope with such emergencies has caused confusion and delay in effecting a coordinated Federal aid program at the outset of major disasters, at which time it is most urgently needed. Officials of Federal agencies, aware of the immediate necessity for, and having the physical means to, render assistance in a stricken area, are at a loss, in most cases, to determine the type of assistance they may render because of this lack of specific legislative authority. For example, at the time of the 1948 Columbia River flood there was no comprehensive Federal disaster legislation, and, although Federal agencies in the region did a commendable job, there was confusion and delay in the early stages of organizing and effecting a satisfactory coordinated Federal aid program.

Another example is the so-called Operation Snow-bound which took place in the winter of 1948-49.

We believe that the definition of "local government" contained in section 2 (e) of the bills may be more restrictive than it is intended to be. The use of the phrase "or other political subdivision" in that section might conceivably be construed to have an undesirable limiting effect on the broad term "district," since judicial decisions in some jurisdictions do not clearly classify public utility districts and other public bodies as "political subdivisions."

Such public bodies may be among those most adversely affected by a major disaster, and the consequences of disaster to the facilities of such bodies may be more injurious to the public than comparable damage to other properties. Such agencies therefore may most urgently require the assistance which would be extended by the terms of these bills. For example, in the 1948 Columbia River flood, at least two public utility districts were badly damaged and required Federal aid and assistance in order to continue needed public services. Certainly, the services of public utility districts are essential to such steps as must necessarily be taken to cope with a major disaster and restore normal conditions.

No definite provision is made in H. R. 8396 or H. R. 8461 for relief of Indian communities which may be disaster victims and, in the light of recent experience, it is believed that authority to expend available funds for such relief is vitally necessary and urgent.

Your attention is also directed to the fact that the bills fail to include Guam, American Samoa, and the Trust Territory of the Pacific Islands among the areas eligible for disaster assistance.

This is of particular interest to this Department since it will assume responsibility for the administration of Guam, American Samoa, and the trust territory of the Pacific Islands in the very near future.

Responsibility for the civilian administration of Guam, American Samoa, and the Trust Territory carries with it, of course, the burden of making adequate provision for assistance in the event of a disaster. That this is necessary is amply illustrated by the effects of the recent typhoon which hit Guam, and emphasizes the need for the extension of this proposed legislation to all of these Pacific Islands.

The results of this disaster clearly demonstrate that an emergency of any sizable proportion would overwhelm the limited local resources of these Pacific Islands and require the Federal assistance such as these bills would provide.

In the light of the foregoing, this Department recommends the following amendments:

Page 2, line 12, after "Columbia", insert a comma and add: "and in the case of Indian communities the Secretary of the Interior";

Subsections (b) and (c) of section 2 of the bill be amended to read as follows:

"(b) 'United States' includes the District of Columbia, Alaska, Hawaii, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands."

"(c) 'State' means any State in the United States, Alaska, Hawaii, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands."

Section 2 (e) be amended to read:

"Local government" means any county, city, village, town, district, or political subdivision organized under the laws of any State or the District of Columbia, or any Indian community".

Page 5, line 24, after "United States", insert a comma and add: "including facilities title to which is held by the United States in trust for Indian communities."

We have been advised by the Bureau of the Budget that the enactment of the bill, with the amendments suggested herein, would be in accordance with the program of the President.

Sincerely yours,

OSCAR L. CHAPMAN,
Secretary of the Interior.

The Federal Security Agency submitted a report, dated July 18, 1950, as follows:

FEDERAL SECURITY AGENCY,
Washington, July 18, 1950.

DEAR MR. CHAIRMAN: This is in reply to your letters of May 11 and 12, 1950, requesting an expression of our views on H. R. 8396 and H. R. 8461, bills to authorize Federal assistance to States and local governments in major disasters, and for other purposes.

For the purpose of aiding State and local authorities in overcoming "major disasters," the bills would confer upon Federal agencies, in addition to their normal powers, special authority to provide assistance by, among other things, distributing medicines, food, and other consumable supplies; utilizing, or lending to States and local governments, their equipment, supplies, facilities, personnel, "and other resources"; donating Federal surplus equipment and supplies to States and local governments; and performing on public or private lands "protective and other work" essential for the preservation of life and property, clearing debris, making emergency repairs to and temporary replacement of local public facilities, "and making contributions to States and local governments for the above-stated purposes" (sec. 3).

The President, either directly or through such agency as he may designate, would be empowered to coordinate the activities of Federal agencies in providing disaster assistance and to prescribe necessary rules and regulations (sec. 5). A Federal agency exercising special powers under the bill would be authorized to employ temporary personnel without regard to the civil service laws and the Classification Act, and to exercise its contracting and procurement authority without regard to the Antideficiency Act (31 U. S. C., sec. 665), and without regard to the limitations of certain provisions governing procurement (41 U. S. C., sec. 5), and the President (or an agency designated by him) could, out of certain funds appropriated pursuant to sec. 9, make funds available to the relief-giving agency for these purposes (sec. 8).

The President (or his designated agency) would be specifically authorized by the bill to make grants to local governments for permanent restoration, reconstruction, or replacement of their public facilities damaged or destroyed in a major disaster, the grant to be limited to 50 percent of the estimated cost except where the damage is such that local fiscal resources are insufficient to defray 50 percent of such cost (sec. 6). Federal agencies would be authorized to perform urgent repair and reconstruction work on facilities under their "jurisdiction," owned by the United States, if the facility was damaged or destroyed in a "major disaster" (sec. 7). Except for reimbursement for such repair or reconstruction work on Federal buildings, no direct appropriation to any Federal agency would be authorized under the bill.

In providing disaster assistance, Federal agencies would be enjoined to cooperate to the fullest extent with one another, with State and local governments, and with the American National Red Cross (sec. 4), and would be authorized to use the services and facilities of State and local governments with their consent (sec. 8).

The act would extend to any catastrophe (including, but not limited to, flood, drought, fire, hurricane, earthquake, and storm) if the governor of the State in which such catastrophe occurs or threatens certifies the need for disaster assistance and the President determines that such catastrophe is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government in supplementation of the efforts and available resources of State and local governments (sec. 2).

The Federal Security Agency, through the Public Health Service, is, obviously, primarily interested in the medical, sanitation, and other public health aspects of emergencies; through the Food and Drug Administration in testing food and drugs which might have become contaminated; through the Children's Bureau in the impact of such emergencies upon maternal and child health; through the Bureau of Public Assistance and other units in aiding the relief and personal-welfare activities of State and local welfare departments; through the Bureau of Old-Age and Survivors Insurance in speeding up the processing of claims and payment of benefits under that program; through the Office of Education in enlisting and advising educational institutions in training for and assisting in antidisaster work; etc.

The Agency, which is devoted to the furtherance of health and human welfare, is, of course, wholly in sympathy with the principle of Federal assistance in disaster relief where the State and local communities affected are unable to cope with the emergency. Repeatedly, in such disasters, we have been able, through the various services brought together in this Agency, to contribute materially to the preservation of human life and the relief of suffering. There are enclosed a list of current and potential activities of the Public Health Service in disasters and a copy of standing instructions issued to Federal inspectors under the Federal Food, Drug, and Cosmetic Act as to their duties in the case of floods. As indicated by the enclosed material, this Agency already has broad functions which go far to enable it to be of assistance to States and localities in such emergencies. Furthermore, the Public Health Service Act (sec. 216) sweepingly provides that "in time

of war, or of emergency proclaimed by the President, he may utilize the Service to such extent and in such manner as shall in his judgment promote the public interest. * * * [Italics supplied.] This in itself is a disaster relief statute so far as any function is concerned which the Public Health Service is equipped to perform. Attention is also invited to the broad powers of that Service under the quarantine provisions of the act, etc., to combat epidemics.

Moreover, we believe that it is sound to establish a firm basis for the coordination, through the President, of the Federal effort in disaster aid where such activity does not fall wholly within the jurisdiction of a single agency. (An example of a case in which it does is that of an epidemic which arises independently of any other disaster.) Major disasters always are attended by a distressing amount of disorganization of existing facilities and by an enormous amount of confusion. These factors may greatly affect the effectiveness of rescue relief and other related services and can be minimized only by efficient administration and coordination of the efforts of all personnel and the utilization of all facilities. Further, to be effective such services must be preceded by an extended period of coordinated planning.

We, therefore, favor in principle most of the provisions of the bills insofar as they go, though with reservations concerning Federal aid for permanent reconstruction of facilities. We do, however, wish to suggest consideration of certain problems:

1. The bills would be applicable to "any catastrophe" which is a major disaster and thus seems to include disasters due to enemy action. Extensive work has already been done in civil-defense planning, and the problem is under active consideration in the National Security Resources Board in cooperation with this and other agencies. It would seem appropriate, therefore, to consider the relationship of peacetime disaster relief and of these bills to civil defense.

2. The bills seem to place major emphasis on activities peculiar to civil engineering and construction—such as clearing debris and wreckage, making emergency repairs, and performing temporary construction work, and even making grants for permanent reconstruction of public facilities—rather than the all-important problem of public health and those services which directly benefit the individual. The committee may wish to give greater or more explicit recognition to the need for services aiding in the rescue of human beings and in the preservation of human life generally as well as efforts directed toward alleviation of human suffering caused by the disaster. In this connection, the bills might be strengthened by providing that in dispensing Federal assistance the established Federal-State personnel, facilities, and relationships, as well as the splendid facilities of the Red Cross and other organizations, be used to the fullest practicable extent.

3. As stated, section 6 would authorize reconstruction grants to local governments up to 50 percent of the cost of the work, and in excess of 50 percent where the damage is of such magnitude that the fiscal resources of the local government are inadequate for 50-50 matching. We wonder whether provisions for grants for permanent reconstruction should be included in a bill designed to meet the immediate and emergent need caused by a disaster. In any event, we believe that, if such provisions are to be included, any grants for permanent reconstruction or replacement should be made to the States rather than to local governments directly and that account should be taken of the possibility of State, as well as local, contributions to the cost of reconstruction. Further, there should be coordination with existing Federal grant programs.

4. Section 9 would confer upon Federal agencies, in the case of major disasters, certain powers to perform emergency repairs and reconstruction work on buildings "under their jurisdiction" owned by the United States, and to have their appropriations reimbursed for such expenditures. The definition of "major disaster" in section 2 (a) of the bills hardly seems relevant to the purpose of this section.

5. On page 7, line 11, a comma should apparently be inserted after "supplies" to clarify the meaning of the sentence. In the same sentence, the reference should be to the Classification Act of 1949 instead of the 1923 act.

While time has not permitted us to clear this report with the Bureau of the Budget, we understand from that Bureau that the bills, with the exception of section 6, are in general with the program of the President.

Sincerely yours,

JOHN L. THURSTON,
Acting Administrator.

The United States Civil Service Commission submitted a report, dated July 14, 1950, as follows:

CIVIL SERVICE COMMISSION,
Washington 25, D. C., July 14, 1950.

Hon. WILL M. WHITTINGTON,
*Chairman Committee on Public Works,
House of Representatives.*

DEAR MR. WHITTINGTON: Further reference is made to your letter of May 11, 1950, requesting a report of the Commission's views on H. R. 8396, a bill to authorize Federal assistance to States and local governments in major disasters, and for other purposes.

The purpose of the bill is expressed in section 1, as follows:

"That it is the intent of Congress to provide an orderly and continuing means of assistance by the Federal Government to States and local governments in carrying out their responsibilities to alleviate suffering and damage resulting from major disasters, to restore essential public facilities in major disasters, and to foster the development of such State and local organizations and plans to cope with major disasters as may be necessary."

To carry out this purpose, section 3, among other things, would authorize Federal agencies to provide assistance in any major disaster by utilizing or lending its personnel with or without compensation therefor to State and local governments. Section 5 (a) would authorize the President to direct any Federal agency to utilize its available personnel for providing disaster assistance to such agencies, and section 8 provides in pertinent part that "Any Federal agency, in performing any activities under section 3 of this Act, is authorized to employ temporarily additional personnel without regard to the civil-service laws and the Classification Act of 1923, as amended, * * *." (1949 should be substituted for 1923 herein, due to passage of the Classification Act of 1949.)

The above-quoted portions of the bill contain the only material within the scope of the Commission's activities. Since the services to be performed would be temporary in nature and performed in emergency only, the Commission has no objection to the enactment into law of H. R. 8396, insofar as the above provisions are concerned.

The Commission, in accordance with established procedure, has been informed by the Bureau of the Budget that there would be no objection to the submission of the proposed report to your committee.

By direction of the Commission:

Sincerely yours,

HARRY B. MITCHELL, *Chairman.*

The Department of Commerce submitted a report, dated July 18, 1950, as follows:

THE SECRETARY OF COMMERCE,
Washington 25, July 18, 1950.

Hon. WILLIAM M. WHITTINGTON,
*Chairman, Committee on Public Works,
House of Representatives, Washington, D. C.*

Dear Mr. CHAIRMAN: This letter is in further response to your letters dated May 11, and May 12, 1950, requesting the views of the Department of Commerce with respect to H. R. 8396 and H. R. 8461, identical bills, to authorize Federal assistance to States and local governments in major disasters, and for other purposes; and to your request dated May 11, 1950, for our views with respect to H. R. 8390, a bill to authorize an appropriation for the reconstruction and repair of roads and other public facilities in the States of North Dakota and Minnesota which were damaged or destroyed by recent floods.

You have, also, under date of May 11, 1950, requested our views on H. R. 8420 and H. R. 8435, bills similar in provisions and purpose to H. R. 8390.

There has long been a real need for Federal legislation which would provide the necessary machinery for the immediate mobilization of the financial and governmental resources of the Federal Government in the event of major disasters resulting from flood, drought, fire, hurricane, earthquake, and the like, which, because of their size, the affected State or States, and their local governmental subdivisions, are unable to cope with. The President of the United States in his 1951 budget message again urged the enactment of such legislation by the Congress. The Department of Commerce is of the opinion the legislative proposals set forth in H. R. 8396 and H. R. 8461 would, if enacted, meet the need for authority to mobilize

the financial and governmental resources of the Federal Government in major disasters, and, therefore, favors the enactment of this legislation with the exception of section 6. Section 6 of H. R. 8396 and H. R. 8461 would provide Federal funds on a grant-in-aid basis for the restoring, reconstructing, or replacing of public facilities damaged or destroyed in major disasters. The Department believes that the responsibility of the Federal Government should be limited to alleviating suffering, guarding property, and making it possible for the affected communities as soon as possible to begin functioning again. In general, we do not believe that the Federal Government's responsibility should be extended to restoring public facilities which may have been destroyed in the disaster. To do so would project the Federal Government into an area of activity in which its interests are not paramount and in which the States and local government have primary responsibility. Certainly, any broad disaster relief program by the Federal Government, involving the restoration of public facilities should be undertaken only when a clear showing is made that the State and local governments are unable to meet the situation.

With respect to the several bills which would provide financial assistance to the States of North Dakota and Minnesota in the restoration of bridges, highways, drainage ditches, and other public facilities destroyed or damaged by recent floods, the Department, for much the same reasons as have made it necessary to oppose section 6 of the proposed general disaster relief measure, is not in favor of their enactment.

Special appropriations to aid in the repair or reconstruction of roads and bridges that were damaged or destroyed by floods have not been made since 1934 when the Congress adopted a general policy for relief in such instances by enacting section 3 of the act of June 18, 1934 (48 Stat. 993), which authorized not to exceed \$10,000,000 of any money appropriated for expenditure in accordance with the provisions of the Federal Highway Act to be used as an emergency relief fund for such purposes. This policy has since been followed in the Federal-Aid Highway Act of 1938 (52 Stat. 633), section 4 of which authorized not to exceed \$8,000,000 additional to be used, and in the act approved July 13, 1943 (57 Stat. 560), section 7 (a) of which authorized the further sum of \$10,000,000 for the same purpose. The records of the Bureau of Public Roads indicate that as of June 27, 1950, an unobligated balance of approximately \$2,000,000 of the foregoing funds was available. In addition, H. R. 7941, which passed the House on May 19, 1950, and S. 3424, both of which bills are pending before your committee, propose to make another \$10,000,000 available. At the time legislation of this type was first adopted by the Congress in 1934, it was stated by the House Committee on Roads (Report No. 1044, 73d Cong., 2d sess.) to be for the express purpose of setting up a fund that would be available immediately to extend assistance in cases where damage might result from floods, hurricanes, earthquakes, or landslides, and make it unnecessary for special bills to be introduced from time to time for consideration by the Congress.

The Congress has confined participation in this kind of expenditure to roads and bridges located on the system of Federal-aid highways, including roads on the approved Federal-aid secondary system. It also has required that the Federal funds should be matched with funds provided by the States or their subdivisions, except that there was included in the Independent Offices Appropriation Act, 1948, approved July 30, 1947, a provision that Federal-aid road funds theretofore apportioned to any State and then unobligated might be used to pay the State's pro rata share on any such relief project on Federal-aid and Federal-aid secondary roads under section 3 of the act of June 18, 1934, section 4 of the act of June 8, 1938, and section 7 of the act of July 13, 1943.

The pending bills, however, would go beyond the existing law. They not only would provide assistance for the repair and reconstruction of roads and bridges both on and off the systems of Federal-aid highways but would include, without definition or limitation, drainage ditches and other public facilities, and would require no contribution on the part of the State. We believe that Federal financial assistance in the restoration of facilities that may be damaged or destroyed by floods, or similar catastrophes of nature, should be limited to roads or bridges on the Federal-aid highway system as is provided for by existing law. Funds now available should be adequate to meet the Federal share of the cost of repairing or reconstructing the roads and bridges on the Federal-aid highway systems in North Dakota and Minnesota that were damaged or destroyed by the recent floods.

If necessary, however, such funds could be supplemented from the additional funds which H. R. 7941 and S. 3424 propose to authorize. From information now

available it appears that the cost of repairing the damage caused to roads and bridges by the recent floods in North Dakota and Minnesota will be much less than was originally forecast. Estimates submitted by engineers of the Bureau of Public Roads, after a check-up in the field in cooperation with the State and local officials, indicate that the cost of repairing the damage in North Dakota to roads and bridges on the Federal-aid highway systems will amount to about \$2,750,000 and to roads and bridges not on the Federal-aid highway systems will amount to about \$2,250,000; for Minnesota the amounts are \$700,000 and \$3,200,000 respectively. The State highway departments of North Dakota and Minnesota have filed notice with the Bureau of Public Roads that necessary steps will be taken to secure assistance now available under existing law for the repair and reconstruction of the recently damaged roads and bridges on the Federal-aid highway systems of the State. It appears evident, therefore, that special legislation of the type proposed by these bills is unnecessary insofar as roads and bridges on the Federal-aid highway systems in North Dakota and Minnesota are concerned.

In view of the considerations set forth above, the Department is in favor of the enactment of either identical bills, H. R. 8396 or H. R. 8461 with the exception of section 6 as presently worded, and is opposed to the enactment of H. R. 8390, H. R. 8420, and H. R. 8435.

The Bureau of the Budget has advised that there would be no objection to the submission of this report to the committee, and that subject to the deletion or modification of section 6, the enactment of either of the identical bills, H. R. 8390 or H. R. 8461, would be in accord with the program of the President.

Sincerely yours,

THOMAS W. S. DAVIS,
Acting Secretary of Commerce.

The bill was recommended by the Director of the Budget and was unanimously approved by the committee and it recommends that the House do pass H. R. 8396, as amended.

EXISTING LAW

[PUBLIC LAW 233—80TH CONGRESS]

[CHAPTER 320—1ST SESSION]

[S. 1515]

AN ACT To make surplus property available for the alleviation of damage caused by flood or other catastrophe

NEW LANGUAGE

SEC. 9. The Act of July 25, 1947 (Public Law 233, Eightieth Congress), entitled "An Act to make surplus property available for the alleviation of damage caused by flood or other catastrophe", is hereby repealed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provisions of law, the War Assets Administration shall, whenever the President shall determine it to be necessary or appropriate because of flood or other catastrophe, transfer, without reimbursement, to the Federal Works Agency such articles of personal property, which have been declared surplus under the provisions of the Surplus Property Act of 1944 (58 Stat. 765), as amended, as in the judgment of the Federal Works Administrator and the War Assets Administrator can be presently utilized in alleviating damage, hardship, and suffering caused by such flood or other catastrophe.

SEC. 2. The Federal Works Administrator is authorized to loan or transfer, with or without monetary consideration and upon such terms and conditions as he may prescribe, to States and local governments situated in any area struck

EXISTING LAW

NEW LANGUAGE

by any such flood or catastrophe, any property transferred to the Federal Works Agency for such purposes pursuant to the provisions of this Act. All receipts from such transfer shall be covered into the Treasury of the United States to the credit of miscellaneous receipts.

SEC. 3. In carrying out the provisions of this Act the Federal Works Administrator is authorized to utilize, and act through, any other Federal agency or any State or local government and he may utilize, without reimbursement therefor, such officers and employees of any such agency or State or local government as may be found necessary in carrying out the purposes of this Act. In order to facilitate carrying out the purposes of this Act, other Federal agencies shall cooperate with the Federal Works Agency and the War Assets Administration to the fullest extent consistent with the objective of this Act.

SEC. 4. To carry out the provisions of this Act, including administrative expenses in connection therewith, any funds available to the Federal Works Administrator or Agency for use in connection with the transfer of surplus or other excess property, under Public Law 697, Seventy-ninth Congress, are hereby made available; and for such purpose there is authorized to be appropriated such additional sums as may be necessary therefor.

Approved July 25, 1947.





81ST CONGRESS
2^D SESSION

Union Calendar No. 964

H. R. 8396

[Report No. 2727]

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 1950

Mr. LEMKE introduced the following bill; which was referred to the Committee on Public Works

JULY 25, 1950

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To authorize Federal assistance to States and local governments in major disasters, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That it is the intent of Congress to provide an orderly and
4 continuing means of assistance by the Federal Government
5 to States and local governments in carrying out their
6 responsibilities to alleviate suffering and damage resulting
7 from major disasters, to restore essential public facilities
8 in major disasters, and to foster the development of such
9 State and local organizations and plans to cope with major
10 disasters as may be necessary.
11 SEC. 2. As used in this Act, the following terms shall

1 be construed as follows unless a contrary intent appears from
2 the context:

3 (a) “Major disaster” means any flood, drought, fire,
4 hurricane, earthquake, storm, or other catastrophe in any
5 part of the United States which, in the determination of the
6 President, is or threatens to be of sufficient severity and
7 magnitude to warrant disaster assistance by the Federal
8 Government to supplement the efforts and available resources
9 of States and local governments in alleviating the damage,
10 hardship, or suffering caused thereby, and respecting which
11 the governor of any State (or the Board of Commissioners
12 of the District of Columbia) in which such catastrophe may
13 occur or threaten certifies the need for disaster assistance
14 under this Act, *and shall give assurance of expenditure of*
15 *a reasonable amount of the funds of the government of such*
16 *State, local governments therein, or other agencies, for the*
17 *same or similar purposes with respect to such catastrophe;*

18 (b) “United States” includes the District of Columbia,
19 Alaska, Hawaii, Puerto Rico, and the Virgin Islands;

20 (c) “State” means any State in the United States,
21 Alaska, Hawaii, Puerto Rico, and the Virgin Islands;

22 (d) “Governor” means the chief executive of any State;

23 (e) “Local government” means any county, city, vil-
24 lage, town, district, or other political subdivision of any State,
25 or the District of Columbia;

1 (f) "Federal agency" means any department, inde-
2 pendent establishment, Government corporation, or other
3 agency of the executive branch of the Federal Government,
4 excepting, however, the American National Red Cross.

5 SEC. 3. In any major disaster, Federal agencies are
6 hereby authorized to provide assistance (a) by utilizing
7 or lending, with or without compensation therefor, to States
8 and local governments their equipment, supplies, facilities,
9 personnel, and other resources, other than the extension of
10 credit under the authority of any Act; (b) by distributing,
11 through the American National Red Cross or otherwise,
12 medicine, food, and other consumable supplies; (c) by
13 donating to States and local governments equipment and
14 supplies determined under then existing law to be surplus
15 to the needs and responsibilities of the Federal Govern-
16 ment; and (d) by performing on public or private lands
17 protective and other work essential for the preservation of
18 life and property, clearing debris and wreckage, making
19 emergency repairs to and temporary replacements of public
20 facilities of local governments damaged or destroyed in such
21 major disaster, and making contributions to States and local
22 governments for ~~the above-stated~~ purposes *stated in sub-*
23 *section (d).* The authority conferred by this Act, and any
24 funds provided hereunder shall be supplementary to, and
25 not in substitution for, nor in limitation of, any other author-

1 ity conferred or funds provided under any other law. *Any*
2 *funds received by Federal agencies as reimbursement for*
3 *services or supplies furnished under the authority of this*
4 *section shall be deposited to the credit of the appropriation*
5 *or appropriations currently available for such services or*
6 *supplies. The Federal Government shall not be liable for*
7 *any claim based upon the exercise or performance or the*
8 *failure to exercise or perform a discretionary function or*
9 *duty on the part of a Federal agency or an employee of*
10 *the Government in carrying out the provisions of this section.*

11 SEC. 4. In providing such assistance hereunder, Federal
12 agencies shall cooperate to the fullest extent possible with
13 each other and with States and local governments, relief
14 agencies, and the American National Red Cross, but nothing
15 contained in this Act shall be construed to limit or in any
16 way affect the responsibilities of the American National
17 Red Cross under the Act approved January 5, 1905 (33
18 Stat. 599), as amended.

19 SEC. 5. (a) In the interest of providing maximum
20 mobilization of Federal assistance under this Act, the Presi-
21 dent is authorized to coordinate in such manner as he may
22 determine the activities of Federal agencies in providing
23 disaster assistance. The President may direct any Federal
24 agency to utilize its available personnel, equipment, supplies,

1 facilities, and other resources, in accordance with the au-
2 thority herein contained.

3 (b) The President may, from time to time, prescribe
4 such rules and regulations as may be necessary and proper
5 to carry out any of the provisions of this Act, and he may
6 exercise any power or authority conferred on him by any
7 section of this Act either directly or through such agency as
8 he may designate.

9 SEC. 6. In any major disaster the President is author-
10 ized to make grants of funds to local governments for re-
11 storing, reconstructing, or replacing their public facilities
12 damaged or destroyed in such major disaster. Such grants
13 shall not exceed 50 per centum of the estimated cost, as
14 determined by the President, of the restoration, reconstruc-
15 tion, or replacement of such public facilities without enlarge-
16 ment of service capacity or other betterment, excepting that
17 the grant may exceed 50 per centum of such estimated cost
18 in the case of a local government with respect to which the
19 President specifically finds and declares that the damage to
20 public facilities resulting from such major disaster is of such
21 magnitude and extent that the fiscal resources of the local
22 government are insufficient to defray 50 per centum of such
23 cost: *Provided, however,* That in determining the fiscal re-

1 sources of the local government consideration shall be given
2 to (1) the extent and probable duration of any impairment
3 of the taxing base and borrowing authority of the local
4 government as a result of the major disaster, (2) the exist-
5 ing or prospective availability of aid from State and other
6 sources, and (3) the eligibility of the particular local gov-
7 ernment project for Federal financial assistance under other
8 law. Grants made under this section may be used to enable
9 the recipient thereof to qualify for other Federal financial
10 assistance which is conditioned upon State or local partici-
11 pation in financing the work.

12 SEC. 7 6. If facilities owned by the United States are
13 damaged or destroyed in any major disaster and the Federal
14 agency having jurisdiction thereof lacks the authority or an
15 appropriation to repair, reconstruct, or restore such facilities,
16 such Federal agency is hereby authorized to repair, recon-
17 struct, or restore such facilities to the extent necessary to
18 place them in a reasonably usable condition and to use there-
19 for any available funds not otherwise immediately required:
20 *Provided, however,* That the President shall first determine
21 that the repair, reconstruction, or restoration is of such im-
22 portance and urgency that it cannot reasonably be deferred
23 pending the enactment of specific authorizing legislation or
24 the making of an appropriation therefor. If sufficient funds
25 are not available to such Federal agency for use in repairing,

1 reconstructing, or restoring such facilities as above provided,
2 the President is authorized to transfer to such Federal agency
3 funds made available under this Act in such amount as he
4 may determine to be warranted in the circumstances. Such
5 repair, reconstruction, or restoration may be performed with-
6 out regard to section 3709 of the Revised Statutes. There
7 If said funds are insufficient for this purpose, there is
8 hereby authorized to be appropriated to any Federal agency
9 repairing, reconstructing, or restoring facilities under author-
10 ity of this section such sum or sums as may be necessary to
11 reimburse appropriated funds to the amount expended
12 therefrom.

13 SEC. 87. In carrying out the purposes of this Act, any
14 Federal agency is authorized to accept and utilize with the
15 consent of any State or local government, the services and
16 facilities of such State or local government, or of any agen-
17 cies, officers, or employees thereof. Any Federal agency,
18 in performing any activities under section 3 of this Act,
19 is authorized to employ temporarily additional personnel
20 without regard to the civil-service laws and the Classifica-
21 tion Act of 1923, as amended, and to incur obligations on
22 behalf of the United States by contract or otherwise for
23 the acquisition, rental, or hire of equipment, services, mate-
24 rials, and supplies for shipping, drayage, travel and com-
25 munication, and for the supervision and administration of

1 such activities. Such obligations, including obligations arising
2 out of the temporary employment of additional personnel,
3 may be incurred by any agency in such amount
4 as may be made available to it by the President out of
5 the funds specified in section 9. The President may, also,
6 out of such funds, reimburse any Federal agency for any
7 of its expenditures under section 3 in connection with a
8 major disaster incurred prior to the President's determination
9 respecting such major disaster, such reimbursement to
10 be in such amounts as the President may deem appropriate.
Neither section 3709 of the Revised Statutes (41
11 U. S. C., see. 5) nor section 3679 of the Revised Statutes
12 (31 U. S. C., see. 665) shall be applicable to any action
13 taken pursuant to this section. The provisions of section
14 607 of the Federal Employees Pay Act of 1945, as amended,
15 shall not be applicable to additional personnel temporarily
16 employed hereunder.

18 SEC. 9. There are hereby authorized to be appropriated
19 such amounts as may be necessary to carry out the purposes
20 of this Act, including necessary administrative expenses.

21 SEC. 8. *There is hereby authorized to be appropriated*

1 to the President a sum or sums, not exceeding \$5,000,000 in
2 the aggregate, to carry out the purposes of this Act. The
3 President shall transmit to the Congress at the beginning of
4 each regular session a full report covering the expenditure
5 of the amounts so appropriated with the amounts of the alloca-
6 tions to each State under this Act. The President may from
7 time to time transmit to the Congress supplemental reports
8 in his discretion, all of which reports shall be referred to the
9 Committees on Appropriations and the Committees on Public
10 Works of the Senate and the House of Representatives.

11 SEC. 409. The Act of July 25, 1947 (Public Law 233,
12 Eightieth Congress), entitled "An Act to make surplus
13 property available for the alleviation of damage caused by
14 flood or other catastrophe", is hereby repealed.

81st CONGRESS
2d SESSION

H. R. 8396

[Report No. 2727]

A BILL

To authorize Federal assistance to States and local governments in major disasters, and for other purposes.

By Mr. LEMKE

May 5, 1950

Referred to the Committee on Public Works

July 25, 1950

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COLUMBIA BASIN PROJECT

The Clerk called the bill (H. R. 8345) to amend the Columbia Basin Project Act with reference to recordable contracts.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Columbia Basin Project Act (act of March 10, 1943, ch. 14, 57 Stat. 14) be amended as follows:

(1) By adding a new paragraph, to be the second paragraph of subsection (c) of section 2, as follows:

"Notwithstanding the limitations of the preceding paragraph but subject to such rules and regulations as may be prescribed therefor by the Secretary, the privilege of executing recordable contracts is hereby extended as follows: (i) To any landowner as to a tract of land to which he, or his predecessor if he holds as an heir or devisee, held legal or equitable title on October 28, 1947; (ii) to any landowner as to a tract of land as to which he has held legal or equitable title for not less than 10 years (including the period of holding by predecessors where title is held as an heir or devisee), or as to which he furnishes proof in writing satisfactory to the Secretary as to the terms of the transaction and consideration paid by him (or by his predecessor where title is held as an heir or devisee) for the tract and as to which there is a finding by the Secretary that the transaction was bona fide and for a consideration not in excess of the full fair market value of the tract, valued as of the date of that transaction without reference to or increment by reason of the project. Any such recordable contract may be executed only on or before December 31, 1951, or on or before a date to be fixed by the Secretary as to each irrigation block in which the lands are situated, such date to be approximately 2 years before the commencement of the development period for that block."

(2) By deleting the last sentence of subdivision (ii) of subsection (e) of section 2.

(3) By amending subsection (a) of section 3 to read as follows:

"Fraudulent misrepresentation as to the true consideration involved in the conveyance of, or contract to convey, any freehold estate in land covered by recordable contract or which is sought to be covered by a recordable contract under subsection 2 (c) hereof, in the affidavits required or which may be required under that subsection shall constitute a misdemeanor punishable by a fine not exceeding \$500 or by imprisonment not exceeding 6 months, or by both such fine and imprisonment."

(4) By amending the second sentence of subsection (b) of section 4 to read as follows: "In addition, land sale and exchange contracts shall be on a basis that, in the Secretary's judgment, provides for the return, in a reasonable period of years, of not less than the appraised value of the land and improvements thereon, and provides, in the case of any lands to be included in farm units, for the application of provisions similar to those of the recordable contracts provided under subsection 2 (c) hereof."

With the following committee amendment:

Page 1, line 7, after the words "Notwithstanding the", insert the word "time."

Page 2, line 1, delete the word "predecessor", and substitute in lieu thereof the following: "ancstors or devisors."

Page 2, line 5, delete the word "predecessors," and substitute in lieu therof the following: "his ancestors or devisors."

Page 2, line 9, delete the word "predecessor," and substitute in lieu thereof the following: "ancestors or devisors."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADMISSION OF CERTAIN ALIENS

The Clerk called the bill (S. 1858) to permit the admission of alien spouses and minor children of citizen members of the United States Armed Forces.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 13 (c) of the Immigration Act of 1924, as amended (8 U. S. C. 213 (c)), alien spouses or unmarried minor children of United States citizens serving in, or having an honorable discharge certificate from the armed forces of the United States during World War II shall, if otherwise admissible under the immigration laws, be eligible to enter the United States with non-quota immigration visas issued under the provisions of section 4 (a) of the Immigration Act of 1924, as amended (8 U. S. C. 204 (a)). *Provided*, That in the cases of such alien spouses of United States citizens serving in, or having an honorable discharge certificate from the Armed Forces of the United States during World War II, the marriage shall have occurred before 90 days after enactment of this act.

With the following committee amendment:

Page 2, line 5, strike out "90 days" and insert "6 months."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRANSPORTATION OF GAMBLING DEVICES IN INTERSTATE AND FOREIGN COMMERCE

The Clerk called the bill (S. 3357) to prohibit transportation of gambling devices in interstate and foreign commerce.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARING. I object, Mr. Speaker.

CITY OF ALBUQUERQUE

The Clerk called the bill (S. 3584) to amend the act of June 9, 1906 (34 Stat. 227), entitled "An act granting land to the city of Albuquerque for public purposes."

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act approved June 9, 1906 (34 Stat. 227), entitled "An act granting land to the city of Albuquerque for public purposes," is hereby amended by adding thereto the following:

"Sec. 2. The city of Albuquerque is authorized to convey, without restrictions as to use, not to exceed one-half of the acreage patented under this act: *Provided, however*, That all the proceeds derived from such sale or sales shall be used for the construction of a public auditorium, erected either under the sole sponsorship of the city of Albuquerque or, if located upon land owned by the University of New Mexico, as a joint project with that university."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 8678) was laid on the table.

AMENDMENT OF CENTRAL INTELLIGENCE AGENCY ACT OF 1949

The Clerk called the bill (S. 3875) to amend section 9 of the Central Intelligence Agency Act of 1949.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 9 of the Central Intelligence Agency Act of 1949 (act of June 20, 1949, ch. 227, sec. 9, 63 Stat. 212) is hereby amended by deleting the figure "\$10,000" and substituting in lieu thereof the figure "\$13,100."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. That completes the call of the eligible bills on the Consent Calendar.

EXTENSION OF REMARKS

Mr. ASPINALL asked and was given permission to extend his remarks in two instances and include extraneous matter.

Mr. WHITE of California asked and was given permission to extend his remarks and include a news release.

Mr. HEDRICK asked and was given permission to extend his remarks and include an article written by Soterios Nicholson, which appeared in the June issue of the Atlantis, an article on Macedonia.

Mr. HUBER asked and was given permission to extend his remarks in the RECORD.

Mr. FERNÓS-ISERN asked and was given permission to extend his remarks and include extraneous material.

Mr. POULSON asked and was given permission to extend his remarks and include a statement from the Los Angeles Chamber of Commerce.

Mr. HUGH D. SCOTT, JR. (at the request of Mr. GRAHAM) was given permission to extend his remarks and include an editorial.

Mr. WITHROW asked and was given permission to extend his remarks and include an editorial.

Mr. FORD asked and was given permission to extend his remarks and include an article by Dr. Lutz.

Mr. CLEVENGER asked and was given permission to extend his remarks and include two editorials.

Mr. REED of New York asked and was given permission to extend his remarks in four instances and include extraneous matter.

Mr. HESELTON asked and was given permission to extend his remarks in two instances and include extraneous matter.

Mr. SCUDDER asked and was given permission to extend his remarks and include two newspaper articles.

Mr. LECOMpte asked and was given permission to extend his remarks and include an editorial.

Mr. O'KONSKI asked and was given permission to extend his remarks in three instances.

Mr. WADSWORTH asked and was given permission to extend his remarks and include an editorial appearing in the Le Roy Gazette-News entitled "An Open Letter To the President."

Mr. D'EWART asked and was given permission to extend his remarks.

Mr. CHIPERFIELD asked and was given permission to extend his remarks and include an editorial.

Mr. RICH asked and was given permission to extend his remarks and include an article entitled "Growth of Marketing and Purchasing Cooperatives."

Mr. RAINS asked and was given permission to extend his remarks and include an editorial appearing in the Montgomery Advertiser.

Mr. BOGGS of Louisiana asked and was given permission to extend his remarks and include extraneous matter.

Mr. BATTLE asked and was given permission to extend his remarks and include extraneous matter.

Mr. McCORMACK asked and was given permission to extend his remarks and include an editorial.

Mr. HILL asked and was given permission to extend his remarks and include an address.

Mr. MANSFIELD asked and was given permission to extend his remarks and include an article on America's most rugged highway.

Mr. COUDERT (at the request of Mr. MICHENEN) was given permission to extend his remarks and include extraneous matter.

CONFERRING JURISDICTION ON STATE OF NEW YORK IN ACTIONS TO WHICH INDIANS ARE PARTIES

Mr. MORRIS. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Calendar No. 658 the bill (S. 192) to confer jurisdiction on the courts of the State of New York with respect to civil actions between Indians or to which Indians are parties.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. O'SULLIVAN. Mr. Speaker, I object.

APPOINTMENT OF CONFEREES ON GENERAL APPROPRIATION BILL, 1951

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill H. R. 7786, an act making appropriations for the support of the Government for the fiscal year ending June 30, 1951, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none and appoints the following conferees:

Managers on the part of the House:

Messrs. CANNON, RABAUT, NORRELL, TABER, and:

on Chap. I, Messrs. BATES of Kentucky, YATES, FURCOLO, STOCKMAN, and WILSON of Indiana;

on Chap. II, Messrs. McGRAH, KIRWAN, ANDREWS, CANFIELD, and SCRIVNER;

on Chap. III, Messrs. ROONEY, FLOOD, PRESTON, STEFAN, and CLEVENGER;

on Chap. IV, Messrs. GARY, FERNANDEZ, PASSMAN, CANFIELD, and COUDERT;

on Chap. V, Messrs. FOGARTY, HEDRICK, McGRAH, SCRIVNER, and ANDERSEN;

on Chap. VI, Messrs. WHITTEN, STIGLER, KRUSE, ANDERSEN, and HORAN;

on Chap. VII, Messrs. KIRWAN, JACKSON of Washington, GORE, JENSEN, and FENTON;

on Chap. VIII, Messrs. THOMAS, GORE, ANDREWS, CASE of South Dakota, and PHILLIPS of California;

on Chap. IX, Messrs. KERR, GORE, HEDRICK, WIGGLESWORTH, and STEFAN;

on Chap. X, Messrs. MAHON, SHEPPARD, SIKES, PLUMLEY, and WIGGLESWORTH;

on Chap. X-A, Messrs. CORE, HEDRICK, PASSMAN, WIGGLESWORTH, and STEFAN;

on Chap. X-B, Messrs. GARY, ROONEY, BATES of Kentucky, WIGGLESWORTH, and STEFAN;

on Chap. XI, Messrs. CORE, HEDRICK, PASSMAN, WIGGLESWORTH, and STEFAN.

Mr. CASE of South Dakota. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CASE of South Dakota. Will the chairman take a minute to explain how the conferees will operate under this arrangement?

Mr. CANNON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CANNON. Mr. Speaker, we expect to go to conference tomorrow morning at 10 o'clock. The bill will be taken up by chapters seriatim. As a chapter is reached the entire subcommittee which wrote that particular chapter, and which therefore is more familiar with it than anyone else on the committee, along with the other managers on the part of the House, will take up the chapter with the Senate conferees.

Mr. CASE of South Dakota. This means, then, that the four Members who were first named will sit through the entire conference?

Mr. CANNON. They are the ranking members on the central subcommittee which reported the bill to the House and will sit with the respective subcommittees throughout the conference.

Mr. CASE of South Dakota. And the Members who are assigned to a particular chapter will receive notification as their particular chapter is approached?

Mr. CANNON. When a chapter is taken up, the conferees on the next suc-

ceeding chapter will be notified. We hope to proceed with as little delay as possible, subject always to the approval of the managers on the part of the Senate.

AUTHORIZING FEDERAL ASSISTANCE TO STATES AND LOCAL GOVERNMENTS IN MAJOR DISASTERS

Mr. COX. Mr. Speaker, by direction of the Committee on Rules, I call up a resolution (H. Res. 742) and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8396) to authorize Federal assistance to States and local governments in major disasters, and for other purposes. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. WHITE of California. Mr. Speaker, will the gentleman yield?

Mr. COX. I yield.

Mr. WHITE of California. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight tonight to file reports on the bills H. R. 9194 and H. R. 9313.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COX. Mr. Speaker, I do not believe there is any objection whatever to the pending rule or to the bill which the rule makes consideration in order.

The bill provides assistance to States and local governments in alleviating suffering from damage resulting from major disasters. It authorizes the President to coordinate all Government agencies in such emergencies. It provides the framework for the Federal Government, under which prompt action will result in meeting the needs of certain areas. It establishes a general Government policy in respect to emergency relief in future disasters, and so on.

Mr. Speaker, I yield to the gentleman from New York [Mr. WADSWORTH], if he has any requests for time.

Mr. WADSWORTH. Mr. Speaker, I have no requests for time on this side.

Mr. HOFFMAN of Michigan. Well, will the gentleman yield?

Mr. COX. I yield.

Mr. HOFFMAN of Michigan. This is a measure for relief of other people where distress happens in peacetime?

Mr. COX. This is for relief in time of peace.

Mr. HOFFMAN of Michigan. In view of the fact that the commanding officer of the marines down at the convention

the other day said there was dim hope of peace in our lifetime, and the gentleman from New York [Mr. JAVITS] the other day stated he expected the war to last 10 to 20 years—

Mr. COX. Perhaps there will never be any need for the law.

Mr. HOFFMAN of Michigan. Do you think there is any need for the law now? I do not know anything about it. I am just asking.

Mr. COX. Anyway, the committee handling this matter thought well enough of it to report it by unanimous vote. They appeared before the Rules Committee on an application for a rule, and that committee granted the request without any objection whatever.

Mr. HOFFMAN of Michigan. In view of the fact that the gentleman from Pennsylvania [Mr. RICH] is temporarily out of the Chamber, does this call for the expenditure of Federal funds?

Mr. COX. It calls for an appropriation of \$5,000,000.

Mr. WADSWORTH. Mr. Speaker, I yield such time as he may desire to the gentleman from Michigan [Mr. DONDEROL].

Mr. DONDERO. Mr. Speaker, I think the gentleman from Georgia [Mr. COX] inadvertently used the term "in peacetime." It applies at any time.

Mr. COX. Yes. I accept the gentleman's correction.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. COX. I yield.

Mr. McCORMACK. As I remember, within the past few years there was a terrible disaster out in the Midwest, due to a terrific snowstorm. I remember well the distress that existed then, and there was no money available to meet that situation. The armed services had to utilize money appropriated to them to relieve human suffering. Then there was a tremendous loss of animal life, particularly cattle.

Is my memory correct in that respect? It involved about \$17,000,000 or \$18,000,000. It was a rather unfortunate situation because there was no law existing at the time. We have not needed it up to then. A disaster might arise at any time.

Mr. COX. Mr. Speaker, the statement of the gentleman from Massachusetts develops the reason for asking for this legislation. It simply establishes a fund to enable the Government to give direct relief to these disaster areas when disasters arise rather than having to come to Congress in each instance.

Mr. WADSWORTH. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. HOFFMAN].

(Mr. HOFFMAN of Michigan asked and was given permission to revise and extend his remarks.)

Mr. HOFFMAN of Michigan. Mr. Speaker, having always, ever since I have been here, advocated that we should first take care of the people in America, naturally I shall not oppose this bill though I do believe we should be extremely cautious in authorizing appropriations for any purpose. My only thought was that after I heard the statement read that this was a measure to as-

sist in disasters in peacetime, note that "peacetime," I wondered if we were going to postpone all help to our own people as long as we were in world war III. That might be a very long, long time. As stated before, the gentleman addressing the marines at their convention here last week told them the other evening that hope of peace was "dim in our lifetime." If we are to have to wait until who are here today are all dead before anything is done for our local people I think there should be some amendment whereby we can take care of our own folks before war is over.

I noticed also the other day in debate in the other body that we were appropriating now, as of May 1 this year, or authorizing the appropriation of a billion or two dollars for civilian projects like the building of roads, the establishment of industrial plants and such things, oh, many, many things, not only in the so-called mother countries, but in the colonies of Britain, France, Belgium.

I do not know why with the President asking for increased taxes and increased appropriations; last week it was some \$34,000,000,000-plus, and there is another \$4,000,000,000 at the present pending before this House for strictly foreign war purposes, and I also understand that there is a request coming to the House this week for an additional \$16,000,000,-000 should not take some thought as to our ability to supply tax dollars. Now, coming back to where I started, I think that the bill should cover disasters not only in wartime but in peacetime, but I hope I have the wrong idea as to the statement of the gentleman from Georgia [Mr. COX]. I ask the gentleman from Michigan [Mr. DONDEROL], if he can clarify my thinking.

Mr. DONDERO. Mr. Speaker, I am afraid that through inadvertence the gentleman from Georgia caused this misunderstanding when he used the phrase "in peacetime"; for, as I understand, this bill applies to any disaster.

Mr. COX. The gentleman from Michigan [Mr. DONDEROL] is right in what he says.

Mr. HOFFMAN of Michigan. The gentleman means it covers disasters in peacetime as well as wartime? I have no objection whatever to that or any legislation which will save just a small part of our tax money for our own folks.

Mr. COX. Mr. Speaker, does the gentleman from New York have any further requests for time?

Mr. WADSWORTH. I have no further requests for time, Mr. Speaker.

Mr. COX. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

Mr. WHITTINGTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8396) to authorize Federal assistance to States and local governments in major disasters, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House

on the State of the Union for the consideration of the bill (H. R. 8396) providing disaster relief, with Mr. FERNANDEZ in the chair.

The Clerk read the title of the bill.

By unanimous consent the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule the gentleman from Mississippi [Mr. WHITTINGTON] is entitled to 30 minutes, and the gentleman from Michigan [Mr. DONDEROL] to 30 minutes.

Mr. WHITTINGTON. Mr. Chairman, I yield myself 17 minutes.

Mr. Chairman, the purpose of this bill is to provide Federal aid to States and local governments in major disasters. The bill confers upon Federal agencies special authority to provide prompt assistance to stricken communities in such disasters.

In recent years, Congress has appropriated varying amounts for emergency purposes. Five hundred thousand dollars was provided in the Second Deficiency Act of 1948, primarily to aid flood sufferers along the Columbia River. Five hundred thousand dollars was appropriated on January 28, 1949, to assist snow-bound areas of the country. On February 7, 1949, a supplemental appropriation of \$500,000 was made. In the Independent Offices Appropriation Act of 1950, \$1,000,000 was appropriated for this emergency fund. This last appropriation has been used largely to bring aid to those areas affected by the floods of the Red River of the North. An additional appropriation of \$750,000 was contained in the Deficiency Appropriation Act of 1950 for such emergencies.

These emergency appropriations to the President were made without previous congressional authorization. The aggregate of these appropriations is \$3,250,000.

The primary purpose of the pending legislation is to provide a general congressional policy in respect to Federal disaster relief. This bill implements, by authorization, the substance of the provisions in the previous disaster appropriations, with appropriate limitations.

Hearings were conducted by the Committee on Public Works on several bills designed to provide Federal assistance to States and local governments in major disasters. Many witnesses were heard. The hearings have been published and are available. A comprehensive report of the Public Works Committee accompanies the bill. There are reports from the Director of the Budget, the General Services Administrator, the Secretary of the Army, the Secretary of Commerce, the Secretary of Agriculture, the Secretary of the Interior, the Federal Security Administrator, the Chairman of the Civil Service Commission, and the American Red Cross.

The bill provides a workable method whereby Federal resources may be employed to supplement State and local resources in rendering first aid in floods, hurricanes, and in other major disasters. It authorizes an emergency fund to be used by the President in such disasters. It is intended to provide for an orderly and continuing means for assistance in alleviating damage, hardship, or suffer-

ing in the critical periods following major disasters. It would permit the Government to assist in repairing public facilities destroyed or damaged by major disasters, such as water and sewer facilities. It is designed to supplement whatever aid the State or local governments can render themselves, such as fostering the development of State and local plans and organizations for coping with major disasters. It authorizes the President to coordinate the activities of all Federal agencies in such emergencies. It further provides that the President may exercise the power or authority conferred upon him either directly or through any such Federal agency as he may direct. In the disasters of 1950 he exercised authority through the General Services Administration. Major disasters are defined in the bill. Federal aid will not be extended until the governors of the affected States certify that Government assistance is needed.

The bill provides that emergency appropriations authorized therein are not to be made available for permanent construction. Funds are to be used for repairs and temporary replacements only. The Committee, therefore, eliminated section 6 of the bill. This section provided for grants to local governments for restoring, reconstructing or replacing public facilities damaged or destroyed in a major disaster. Such construction is the responsibility of the States and local governments. The aim of the pending bill is emergency relief to protect lives and property and to alleviate suffering and damage during the disaster period. The committee feels that the permanent restoration of essential State and local public facilities is the responsibility of the local authorities.

THE METHOD

The bill authorizes the President to direct Federal agencies to utilize equipment, personnel, facilities, and other resources in providing assistance to States and local governments for the preservation of life and property and to make repairs and temporary replacements of property damaged or destroyed in major disasters. It provides for the coordination of such activities. It is in the interest of a sound and economical emergency program and policy. While there have been special Federal aids for disaster relief available in the past, there has been no general policy and no coordination of Federal disaster aid. Neither have the Federal agencies involved in providing relief been assured of reimbursement for expenditures they might be directed to make. The bill now before us would accomplish these purposes.

ANALYSIS

There is an analysis of the bill in the report of the Public Works Committee. Its purposes, its methods, and the appropriation authorizations are set forth in detail. Each section is analyzed in the committee's report.

The general purpose of the bill is outlined, and "major disasters" are defined. Section 3 contains the basic authority when directed by the President to Federal agencies to provide aid to States and

local communities. Section 4 provides for cooperation with local relief agencies and the American Red Cross. It distinctly states that the American Red Cross will continue to discharge its responsibilities. Section 5 authorizes co-ordination of the activities of the respective Federal agencies.

Under the terms of the bill as reported, authority is provided for the permanent restoration of Federal facilities damaged or destroyed by major disasters. Such facilities may be repaired if the President determines that such repairs cannot be delayed, and if sufficient funds are not available from the emergency fund for such purpose, authorization for additional appropriation is provided.

Section 7 provides for exemption from civil service laws of personnel required to carry out the provisions of the bill. The Federal Employees Pay Act of 1945 would not be applicable because of the emergency nature of the bill's provisions.

The Committee on Public Works felt, inasmuch as billions are being appropriated for national defense, that, for the present at least, there should be a limitation on the amount of the appropriation. This limitation was placed at \$5,000,000. Personally, I thought it should be larger, but the Committee felt that if the aggregate of this amount should be appropriated from time to time the limitation could be increased. The committee further felt that the President might well submit reports to Congress from time to time, at least annually, covering the expenditure of amounts appropriated to him. The committee further felt that inasmuch as the President would utilize existing Federal agencies that no part of the funds authorized to be appropriated should be for administrative purposes.

The Surplus Property Act, dealing with the use of surplus property in a disaster, is repealed by this bill, as Federal property can be made available under section 3 of the bill.

AMENDMENTS

The bill is amended in several respects. One amendment strikes out section 6, as previously explained. An amendment to section 2 requires the Governors of affected States to give assurances of local aid and cooperation. There is an amendment which clarifies section 3 and limits Federal contributions to States and local governments to purposes outlined in subsection (d). Another amendment to section 3 provides that funds made available for reimbursement to the Federal agencies should be credited to the appropriations currently available for services and supplies. I invite special attention to the last amendment to section 3 which provides that the Government shall not be liable for any claim based upon the performance, or the failure to perform, a discretionary function on the part of an agency or employee of the Government.

The bill is further clarified by eliminating references to certain sections of the Revised Statutes inasmuch as all Federal agencies engaged in emergency work are exempted from taking competitive bids.

SUMMARY

The President recommended enactment of general disaster relief legislation in his message transmitting the budget for the fiscal year 1951. The bill has been approved by the various Government agencies that have been participating in emergency relief work except as to the total amount authorized. It provides for an authorized and coordinated program for first aid in major disasters. Such disasters may come when Congress is not in session. A reasonable appropriation should be made and should be readily available no matter when or where a catastrophe occurs. The committee believes that disaster assistance, when requested by the governors of the affected States upon assurances of local cooperation, can best be provided through the program outlined in this bill.

The committee, since reporting the bill, has carefully considered some further clarifying amendments and these amendments will be offered during the consideration of the bill. There will be an amendment to substitute repairs for report in section 1; to provide in section 3 that Federal agencies are authorized, when directed by the President to provide assistance; and an amendment will further be offered that Federal agencies may be reimbursed only when expenditures have been incurred as directed by the President. Section 7 of the bill will thus be clarified.

The bill provides that the authority is supplementary to other authorizations such as the appropriations heretofore made to the Bureau of Public Roads for the repair of Federal aid highways. It is supplementary to the appropriations that have been made for emergency repairs of levees and other flood-control works under the supervision of the Chief of Engineers.

The bill as introduced had no limitation upon the amounts that are authorized to be appropriated. As I pointed out, there has been appropriated during the past 2 years to the President's fund \$3,250,000. This bill implements in substantially the language of those appropriations the powers conferred upon the President and the Federal agencies. It further qualifies and limits the operations so that there may be a coordination, so that the funds of the Treasury may be protected.

About \$2,000,000 of this \$3,250,000 that has been appropriated in the past 2 years has been expended. Some of that money is still available.

The bill when introduced did not provide for any limitation. It is permanent law, the first time such an authorization has ever been passed. When we are being called upon to increase our appropriations by the billions for the Korean war and to prepare, the committee felt that there should be a ceiling on this bill. It authorizes merely the appropriations to the President for disaster relief and the transfer of those funds, and it authorizes the Federal agencies to utilize their facilities and equipment and to have them repaired, and to be reimbursed therefore. In all of the cir-

cumstances, inasmuch as for the past 2 years only \$3,250,000 has been appropriated, with substantially \$1,600,000 still unexpended, the committee felt that in the course of the war now there should be a limitation, and they put a limitation of \$5,000,000 on it.

The committee further felt that the President of the United States should report to the Congress just how these funds were expended, so that Congress may be advised. We provided for a limitation of \$5,000,000. If and when the occasion arises, I am sure that Congress in this enabling legislation, in this legislation to implement a definite, firm, permanent policy of disaster relief, could raise the limitation on that appropriation. However, in the circumstances, the committee felt that for the present at least there should be a limitation. Personally, I repeat that I believe the limitation is too small.

The bill is constructive. No new agencies or bureaus are authorized. Existing agencies will be utilized. No additional equipment or facilities will be purchased. Existing equipment will be utilized. However, there is authority to repair. This authority is essential if the Bureau of Public Roads or the Bureau of Reclamation or the Chief of Engineers used their equipment to clear debris. It should be repaired. Provision is thus made for such repairs.

A reasonable appropriation for a major disaster should be made annually. The bill will provide a policy for the expenditure of the appropriation. No one knows when a disaster like the destruction at Texas City, Tex., will occur. No one knows where a tornado may strike. No one knows when a flood may come.

If funds appropriated for a given year are not allocated they will revert to the Treasury. The bill does not authorize the use of any of the appropriation for administrative expense.

Mr. KUNKEL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. A quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 223]

Abblitt	Cole, N. Y.	Gathings, Ark.
Albert	Corbett	Gillette
Allen, La.	Coudert	Golden
Andresen,	Crawford	Goodwin
August H.	Davenport	Gorski
Balley	Davies, N. Y.	Gossett
Barrett, Wyo.	Davis, Ga.	Granahan
Bates, Ky.	Deane	Green
Boiton, Ohio	Delaney	Gregory
Brehm	Dingell	Gwynn
Buckley, Ill.	Dollinger	Hall,
Buckley, N. Y.	Dolliver	Edwin Arthur
Bulwinkle	Donohue	Hall,
Burke	Doughton	Leonard W.
Burton	Douglas	Hand
Byrne, N. Y.	Eaton	Hare
Canfield	Eberharter	Harris
Case, N. J.	Engel, Mich.	Harrison
Cavalcante	Fallon	Harvey
Chatham	Fellows	Hays, Ark.
Chelf	Fenton	Hays, Ohio
Chiperfield	Fogarty	Heffernan
Christopher	Frazier	Heller
Chudoff	Fulton	Herlong
Clemente	Furcolo	Herten

Hinshaw	Miller, Md.	Sadowski
Jackson, Calif.	Miller, Nebr.	St. George
James	Morgan	Sanborn
Javits	Morrison	Scott, Hardie
Jenison	Morton	Scott,
Jennings	Murphy	Hugh D., Jr.
Johnson	Murray, Wis.	Shelley
Jones, N. C.	Nelson	Simpson, Pa.
Kean	Norton	Smathers
Keefe	O'Brien, Mich.	Smith, Kans.
Kelley, Pa.	O'Neill	Smith, Ohio
Kelly, N. Y.	Patterson	Spence
Kennedy	Perkins	Stanley
Keogh	Pfeifer	Stigler
King	Joseph L.	Stockman
Klein	Pfeiffer	Taylor
Kruse	William L.	Towe
Lane	Phillips, Tenn.	Underwood
Latham	Poulson	Vorys
LeFevre	Quinn	Welchel
Lichtenwalter	Ramsay	Wheeler
Linehan	Regan	Whitaker
Lodge	Ribicoff	White, Idaho
Lyle	Rich	Widnall
McCulloch	Richards	Wigglesworth
McGrath	Riehman	Williams
McMillen, Ill.	Rivers	Willis
Macy	Rogers, Mass.	Winstead
Magee	Roosevelt	Wood
Marcantonio	Sabath	Woodhouse
Martin, Mass.	Sadlak	
Mason		

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FERNANDEZ, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H. R. 8396, and finding itself without a quorum, he had directed the roll to be called, when 261 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. WHITTINGTON. Without any coordinated program under the appropriations made by unanimous consent, in language that was indefinite for the snow-bound program, there was appropriated to the President \$1,050,000. But, that is not the whole story. There was appropriated to the agencies of the Government, whose activities we undertake to limit and coordinate in the pending bill, without any such authority or coordination to the Department of the Army \$12,575,000; to the Department of the Navy \$368,000; to the Department of Agriculture \$142,000, and to the Department of the Interior \$2,861,000 or, there was appropriated to reimburse these agencies, for damages and repairs to Federal property and for contributions which would have been less if Congress had adopted a policy and a program, such as here proposed, \$15,946,000. This program will provide efficiency; it will provide for relief in major disaster and it will result in economy.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from Illinois.

Mr. JONAS. I am in a quandary about this one point. I would like to have the distinguished gentleman from Mississippi explain to me the mechanism of this particular bill with reference to how you apply for the fund. We, in Illinois, are frequently the victims of bad disasters from tornadoes and cyclones which leave very devastating effects.

Mr. WHITTINGTON. What is the gentleman's question?

Mr. JONAS. My question is this: When such a disaster takes place in my State, and the State needs funds, to whom does the governor make his application for the funds?

Mr. WHITTINGTON. He makes it to the President and the President decides whether there is a major disaster, and if there is a major disaster he can allocate from the funds appropriated and direct the Federal agencies to do first-aid relief work in major disasters.

Mr. JONAS. This bill does not establish any separate agency or bureau, but the mechanism is worked out through agencies or branches of different agencies that the President consults with.

Mr. WHITTINGTON. I have already so stated. It does not provide for any new agency. It authorizes the President to designate existing agencies to administer the fund.

Mr. JONAS. I thank the gentleman.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from New York.

Mr. KEATING. Does the gentleman anticipate that the \$5,000,000 appropriation provided for here is likely to take the place of all of the various appropriations which the gentleman has enumerated?

Mr. WHITTINGTON. No; but I will say this, that I think it will result in a coordination and a reduction of those appropriations that have been made, in addition to the appropriations heretofore made to the President. This is a permanent fund; it is a permanent program. But disaster may strike tomorrow and there should be funds available to the President if he determines it to be a major disaster. In my judgment, the \$5,000,000 is not sufficient, as I have stated.

Mr. KEATING. My fear is that it will simply be on top of the other appropriations, and that is the reason I raised that question. I do have another question, inasmuch as the gentleman's time is limited. The committee apparently consents to offer an amendment on page 2 to provide that the States shall put up what is stated to be a reasonable amount of the funds sought to match those of the Federal Government.

Mr. WHITTINGTON. That is right. The State has to give assurance that the State will cooperate.

Mr. KEATING. Does that mean a reasonable amount as determined by the President?

Mr. WHITTINGTON. No; that is largely for the States to determine.

Mr. KEATING. Would it not be better if we wrote into Federal law some mandatory provision as to what the States should put up?

Mr. WHITTINGTON. I think not. One State might put up a certain percentage and another State might not be able to put up that percentage. When it comes to provide for human suffering, to provide for the protection of human life, we must give some discretion. I will risk the President of the United States and the governors of the States.

Mr. KEATING. I believe that the States ought to primarily handle that themselves.

Mr. WHITTINGTON. And this bill so contemplates, especially for permanent construction.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

(Mr. WHITTINGTON asked and was given permission to revise and extend his remarks.)

Mr. DONDERO. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, this bill comes to the floor with a unanimous vote of the committee. This is a bill that can very well be termed a first-aid bill. Very little can be said after what our able and distinguished chairman has already said about the bill, but we are trying to bring a little order out of chaos. When a disaster occurs in the United States, under the present law we appropriate the money without its being previously authorized, or someone rushes in here and introduces a bill in order to provide the money. That takes time, and before that time elapses the question of the need of the people has passed.

This bill authorizes a lump sum of not to exceed \$5,000,000 to be used over the years. In the last 2 years we used \$3,250,000. If we do not have any great disaster this sum may last 3 or 4 years. Nobody knows.

No new agency is set up under this bill. No State gets any aid, nor does the President act, unless the governor of the State in which the disaster occurs applies for the aid.

We have laws in which a lump sum of money is authorized for disaster relief. In the recent road bill, if a road on the Federal-aid system is washed out the Public Roads Administration is authorized to provide for its repair. Under the rivers and harbors and flood-control law a lump sum is provided to authorize the Army engineers to step immediately in where repair work is needed as the result of damage caused by some disaster.

This simply follows policy in providing a fund which will be available when a State has a disaster within its borders that it cannot meet alone. It does not pay all of the bill, of course, because we know what happened in the snowstorm in the Middle West where some 11,000 farmers and stockmen were snowbound and where millions of dollars of property was destroyed. The Red River of the North had a great flood disaster this year. Millions of dollars were lost there. Of course, the funds made available under this measure will not pay the entire bill, but the measure will bring that relief that is necessary to a stricken people when disaster overtakes them. The Federal Government will assist the State and local governments, the Red Cross, and other agencies in providing relief.

There is another provision in this bill that ought to be understood. No part of this money can be used for administrative purposes. Whatever amount is granted by the President, all of that money is to be used for relief. Agencies of the Government now established will see to it that the fund is administered in

accordance with the direction of this legislation.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Texas.

Mr. FISHER. Is the gentleman apprehensive that the creation of a permanent fund of this nature might cause various areas to be tempted to apply for this relief where otherwise they might solve their problems locally?

Mr. DONDERO. I doubt it very much. Only the governor of a State in which an area has been stricken can make application. There will be no action unless the State asks for it.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Mississippi.

Mr. BROOKS. In my area we are visited by tornadoes from time to time. They strike with stunning suddenness, and they call for relief immediately. This bill is a very comprehensive bill. If there is a local Army post nearby, normally the Army post moves to help out in those emergencies. Under the broad terms of this bill, will machinery be set up whereby we will have to work through the States in order to get the local garrisons to act?

Mr. DONDERO. The present procedure is not changed. The agencies now in existence will still continue to function, but this provides a first-aid station for those stricken areas, and if it is in your State that will be done in your State.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DONDERO. Mr. Chairman, I yield 8 minutes to the gentleman from Minnesota [Mr. HAGEN].

Mr. HAGEN. Mr. Chairman, I have been very close to this disaster situation and problem for many months past in view of the very disastrous floods that we have had in Minnesota and North Dakota this year. We have had other serious floods in that area for the last several years. The losses this year to private and other property were estimated at something between two hundred and fifty and three hundred million dollars. This was a national disaster.

Mr. McGREGOR. Mr. Chairman, will the gentleman yield?

Mr. HAGEN. I yield.

Mr. McGREGOR. I compliment the gentleman from Minnesota on the splendid manner in which he presented his case to the committee. As a member of the committee I recall distinctly the witnesses he presented to us. Certainly the people of your district should appreciate the very great interest you have shown in this legislation.

Mr. HAGEN. I thank the gentleman from Ohio.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. HAGEN. I yield.

Mr. DONDERO. I believe the House should understand the gentleman also introduced an identical bill to the one which is now before us for consideration, acting together with our colleague from

North Dakota, Mr. Lemke, who has since passed away.

Mr. BURNSIDE. Mr. Chairman, will the gentleman yield?

Mr. HAGEN. I yield.

Mr. BURNSIDE. Would this take care of a situation such as occurred as a result of floods in West Virginia where the State lost about \$1,500,000 in roads and bridges?

Mr. HAGEN. If the President declared that area a national emergency disaster area, you would come under the provisions and within the purview and functions of this bill.

Mr. BURNSIDE. I thank the gentleman for helping to work out a very splendid bill.

Mr. HAGEN. Mr. Chairman, we have had fine cooperation by the Minnesota and North Dakota delegations in the Congress on this legislation. We are also grateful to the committee members for their fine cooperation for granting us hearings on these bills and also for the time they did provide for the witnesses from Minnesota and North Dakota. In order to help expedite this legislation and because of the possibility of other national disasters, the Federal departments and agencies cooperated in supporting most of the features of this measure.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. HAGEN. I yield.

Mr. CURTIS. I believe this legislation is necessary as well as very worthwhile, and I expect to support it.

Mr. HAGEN. I might say that I introduced a bill similar to the one now before you, H. R. 8396, which was introduced by our late colleague, William Lemke, of North Dakota, who sent his secretary, William Skeels, with me through the flood disaster area in northwestern Minnesota and northeastern North Dakota. As my bill is exactly the same, we might call it the Lemke-Hagen bill. They are identical. I had asked the committee to report out Mr. Lemke's bill in his honor and as a respect to his memory.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. HAGEN. I yield.

Mr. JUDD. I should like to commend my distinguished colleague from Minnesota on behalf of the other Members from Minnesota and North Dakota for the lead that he has taken and the persistence he has demonstrated in bringing this important matter to a favorable vote today. Naturally he was especially interested this year because the most recent and severe flood was in his district. But he has been a pioneer in the field long before this year's disaster.

What we are dealing with here is emergencies that are bound to happen from time to time and without warning. The right thing to do is to make preparations in advance, as this bill does, so that the disasters, wherever they may arise, can be handled promptly in an intelligent and well-thought-out way, rather than wait until the last moment and then try to figure out some sort of improvised relief which is usually too little and too late. I congratulate and

thank the gentleman for his leadership on behalf not only of our own State, but of the whole country.

Mr. HAGEN. In disasters of a flood nature on federally-controlled rivers, there is some direct responsibility of the Federal Government. But of course, in cases of heavy snowfalls, explosions, tornadoes, hurricanes, and other disasters, there of course is a need in many cases for the Federal Government to step in and help the local townships, counties, villages, towns, and parishes so that they can rebuild their bridges, roads, so that the farmers can go to town and so that transportation can go forward.

I want to call to your attention the fact that from 1803 up to this time there have been 128 separate and distinct legislative acts of Congress providing, granting, or ratifying relief to various units of government and sufferers from floods, fires, earthquakes, and other national disasters. We have, from time to time passed legislation of this kind for various kinds of disasters.

This bill provides a general pattern of a permanent nature so that we can have the machinery, the equipment, and agencies, and personnel, and the funds later—I hope—to carry out some aid and assistance in cases of national or local disasters.

Mr. H. CARL ANDERSEN. Mr. Chairman, will the gentleman yield?

Mr. HAGEN. I yield.

Mr. H. CARL ANDERSEN. The gentleman from the Ninth District of Minnesota, together with the gentleman from North Dakota [Mr. BURDICK], has worked for several months trying to accomplish something worth while to provide at least partial relief to the area hit by the disaster. I recognize the months he, Mr. HAGEN, has spent in hard work to try to secure worth-while legislation to aid in rehabilitating that part of his area so hard hit by floods. No man in Congress has done as much as he has in trying to bring a solution to this problem. I would like to ask if he does not feel that the committee has been a little too conservative, recognizing as we do that this legislation is designed to help our own people in times of great disasters?

Mr. HAGEN. They are on the over-cautious side, apparently. It is conservative. Due to the position taken by the various departments, section 6 was taken out and in its place was substituted a so-called repair emergency aid to townships and other civil units which do not have the money, or which are financially unable to bear the burden of the emergency type of repairs, such as the rebuilding of a road or putting in a bridge or some other type of aid. The measure does not go far enough but it is better than nothing at all. It will help the townships and counties which are not financially able to go ahead and rebuild a bridge or a road or put in a culvert, which is essential and necessary to carry on the transportation and life of a community.

Mr. Chairman, I ask permission to insert at this point in the RECORD the 128 separate acts of Congress granting relief to people, civil units, and so forth, in case of emergency disasters.

The CHAIRMAN. Is that a part of the gentleman's statement? Permission will have to be asked in the House, unless it is.

Mr. HAGEN. It is a record of the acts of Congress showing aid given by Congress to States, regional areas, and civil units, and municipalities over a period of 147 years, in the case of fires, floods, hurricanes, and other disasters.

The CHAIRMAN. The gentleman will have to ask that permission in the House.

Permission having been granted, the matter referred to follows:

**ACTS OF CONGRESS GRANTING, OR RATIFYING
GRANT OF, RELIEF TO SUFFERERS FROM FLOODS,
FIRES, EARTHQUAKES, AND SO FORTH**

Act of February 19, 1803 (6 Stat. 49, ch. 6): Extension of time for discharging custom-house bonds of sufferers from Portsmouth fire.

Act of March 19, 1804 (6 Stat. 53, ch. 28): Extension of time for discharging custom-house bonds of sufferers from fire at Norfolk.

Act of May 8, 1812 (2 Stat. 730, ch. 79): Appropriation of \$50,000 for provisions to be sent to government of Venezuela for earthquake sufferers.

Act of February 17, 1815 (3 Stat. 211, ch. 45): Persons owning lands in New Madrid County, Missouri Territory, injured by earthquakes authorized to exchange such land for other public lands.

Act of January 24, 1827 (6 Stat. 356, ch. 3): Appropriation of \$20,000 for relief of fire sufferers at Alexandria, D. C. (now Virginia).

Resolution of February 1, 1836 (5 Stat. 131, No. 1): Rations to be distributed to sufferers from Indian depredations in Florida; no amount specified.

Act of March 19, 1836 (5 Stat. 6, ch. 42): Extension of time for discharging custom-house bonds of sufferers from fire at New York.

Resolution of March 3, 1847 (9 Stat. 207, No. 10): Use of U. S. S. *Macedonian* and *Jamestown* for transporting contributions for relief of famishing poor of Ireland and Scotland.

Act of February 16, 1863 (12 Stat. 652, ch. 37): Relief of persons damaged by Indian depredations in Minnesota; payment from Indian annuities—not exceeding \$200,000.

Joint Resolution of July 4, 1864 (13 Stat. 416, No. 76): Appropriation of \$2,000 for the relief of sufferers from explosion in cartridge factory at Washington arsenal.

Joint Resolution of March 17, 1866 (14 Stat. 351, No. 14): Appropriation of \$2,500 for distribution among sufferers from explosion at Washington arsenal.

Act of July 27, 1866 (14 Stat. 304, ch. 285): Admission, free of duty, of foreign contributions for relief of sufferers from fire at Portland, Maine.

Resolution of July 27, 1866 (14 Stat. 369, No. 92): Suspension of collection of internal-revenue duties from sufferers from fire at Portland, Maine.

Joint resolution of February 22, 1867 (14 Stat. 567, No. 23): Use of public vessel for transportation of food and clothing contributed for relief of people of Southern States.

Joint resolution of March 29, 1867 (15 Stat. 24, No. 17): Charter of vessel by Secretary of the Navy for transportation of provisions to Wilmington, N. C., for distribution among destitute people of the South.

Joint resolution of March 30, 1867 (15 Stat. 28, No. 28): Issue of food supplies through Freedmen's Bureau for relief of persons in Southern and Southwestern States; no amount specified.

Joint resolution of March 30, 1867 (15 Stat. 28, No. 29): Transfer of \$50,000 from funds in charge of Freedmen's Bureau to Commissioner of Agriculture for purchase of

vegetable and cereal seeds for distribution in Southern States.

Joint resolution of January 31, 1868 (15 Stat. 246, No. 7): Issue of desiccated vegetables through Freedmen's Bureau for relief of destitute persons in the South; no amount specified.

Joint resolution of February 10, 1871 (16 Stat. 596, No. 28): Use of naval vessels for transportation of supplies contributed for relief of destitute persons in France and Germany.

Act of April 5, 1872 (17 Stat. 51, ch. 88): Admission, free of duty, of foreign contributions for relief of sufferers from Chicago fire. Draw-back on import duties on building materials for reconstruction. Suspension of collection of internal-revenue taxes from fire sufferers.

Act of April 23, 1875 (18 Stat. 34, ch. 125): Issue of food and Army clothing to sufferers from overflow of lower Mississippi River; no amount specified.

Act of May 13, 1874 (18 Stat. 45, ch. 170): Appropriation of \$190,000 for purchase of food and clothing for relief of sufferers from overflow of Mississippi River.

Act of January 25, 1875 (18 Stat. 303, ch. 25): Appropriation of \$30,000 for special distribution of seeds among sufferers from grasshopper ravages.

Act of February 10, 1875 (18 Stat. 314, ch. 40): Appropriation of \$150,000 for issue of food and clothing among sufferers from grasshopper ravages.

Joint resolution of February 25, 1880 (21 Stat. 303, No. 16): Use of naval or chartered vessel for transportation of contributions for relief of famishing poor of Ireland; indefinite appropriation.

Act of March 5, 1880 (21 Stat. 66, ch. 33): Admission, free of duty, of foreign contributions for the relief of colored emigrants.

Joint resolution of April 28, 1880 (21 Stat. 594, No. 27): Loan of 500 tents to Governor of Missouri for relief of tornado sufferers.

Joint resolution of May 4, 1880 (21 Stat. 306, No. 30): Issue of 4,000 Army rations for relief of sufferers from cyclone at Macon, Miss.

Joint resolution of February 25, 1882 (22 Stat. 378, No. 6): Appropriation of \$100,000 for purchase and distribution of subsistence stores for sufferers from overflow of Mississippi River and tributaries.

Joint resolution of March 10, 1882 (22 Stat. 378, No. 8): Use of Army hospital tents for shelter to sufferers from overflow of Mississippi River; no amount specified.

Joint resolution of March 11, 1882 (22 Stat. 378, No. 9): Use of Government vessels for transportation and distribution of rations and supplies for sufferers from overflow of Mississippi River and tributaries; indefinite appropriation.

Joint resolution of March 21, 1882 (22 Stat. 379, No. 12): Appropriation of \$150,000 for furnishing food for sufferers from floods in Mississippi River and tributaries.

Joint resolution of April 1, 1882 (22 Stat. 379, No. 16): Appropriation of \$100,000 for purchase and distribution of subsistence stores for sufferers from overflow of Mississippi River and tributaries.

Act of April 11, 1882 (22 Stat. 44, ch. 77): Appropriation of \$20,000 for purchase of seeds and distribution among sufferers from overflow of Mississippi River and tributaries.

Joint resolution of February 12, 1884 (23 Stat. 267, No. 9): Appropriation of \$300,000 for purchase and distribution of subsistence stores, clothing, etc., for sufferers from overflow of Ohio River and tributaries. Use of Army tents for shelter to sufferers. Use of Government vessels for transportation and distribution of supplies.

Joint resolution of February 15, 1884 (23 Stat. 268, No. 12): Additional appropriation of \$200,000 for same objects (Ohio River, etc.).

Act of March 31, 1890 (26 Stat. 33, ch. 58): Appropriation of \$25,000 for purchase of 2,500 tents to be loaned to State authorities for use of sufferers from floods in Arkansas, Mississippi, and Louisiana.

Joint resolution of April 25, 1890 (26 Stat. 671, No. 16): Appropriation of \$150,000 for purchase and distribution of subsistence stores for sufferers from overflow of Mississippi River and tributaries. Use of Government vessels for transportation and distribution of supplies.

Act of May 14, 1890 (26 Stat. 110, ch. 209): Ordnance, clothing, etc., issued to State of Maine to replace like stores of the militia destroyed by fire January 7, 1890.

Joint resolution of September 1, 1890 (26 Stat. 679, No. 44): Reappropriation of unexpended balance of appropriation of April 25, 1890, to Territory of Oklahoma for sufferers from drought.

Joint resolution of May 28, 1896 (29 Stat. 475, No. 57): Loan of Army tents to mayors of St. Louis, East St. Louis, etc., for tornado sufferers; no amount specified.

Joint resolution of February 19, 1897 (29 Stat. 701-702) and April 7, 1897 (30 Stat. 219), amended June 1, 1897 (30 Stat. 220, No. 12): Use of naval or chartered vessel for transporting contributions for famishing poor of India; indefinite appropriation.

Joint resolution of April 7, 1897 (30 Stat. 219, No. 9): Appropriation of \$200,000 for purchase and distribution of subsistence stores for sufferers from overflow of Mississippi River and tributaries and Red River of the North.

Joint resolution of May 24, 1897 (30 Stat. 220, No. 11): Appropriation of \$50,000 for purchasing and furnishing of food, clothing, and medicines for destitute citizens of the United States in Cuba, and for their transportation home.

Joint resolution of June 9, 1897 (30 Stat. 221, No. 14): Reappropriation of \$10,000 (remaining under resolution of April 7, 1897) for purchase and distribution of subsistence stores and payment of transportation, for sufferers from overflow of Rio Grande near El Paso.

Act of December 18, 1897 (30 Stat. 226, ch. 2): Appropriation of \$200,000 for purchase, transportation, and distribution of subsistence stores, etc., for destitute persons in mining regions of Alaska. Use of Army and purchase of reindeer, etc., authorized.

Act of March 30, 1898 (30 Stat. 346): Payments on account of injuries, etc., suffered in destruction of U. S. S. *Maine*; indefinite appropriation.

Act of May 18, 1898 (30 Stat. 419, ch. 345): Issue of subsistence, medical, and quartermaster's supplies, etc., to destitute inhabitants of Cuba; no amount specified.

Act of March 3, 1899 (30 Stat. 1069): Appropriation of \$100,000 for subsistence supplies to be issued to destitute inhabitants of Cuba.

Act of May 13, 1902 (32 Stat. 198, ch. 787): Appropriation of \$200,000 for procurement and distribution of provisions, clothing, medicine, etc., for destitute people of French West Indies (eruption of Mount Pelée).

Joint resolutions of April 19, 21, and 24, 1906 (34 Stat. 827, 828, Nos. 16, 17, 19): Appropriation of \$2,500,000 for purchase and issue of subsistence, quartermaster's and medical supplies for sufferers from San Francisco earthquake and fire.

Act of January 18, 1907 (34 Stat. 850, ch. 154): Distribution of provisions, clothing, medicines, etc., among sufferers from earthquake and fire in Jamaica; no amount specified.

Joint resolution of April 30, 1908, and May 11, 1908 (35 Stat. 570, No. 17, 572, Nos. 20 21): Use of Army tents, provisions, and supplies for relief of sufferers from cyclone in southern States; \$250,000 appropriated.

Act of May 23, 1908 (35 Stat. 251, ch. 191): Allowance of \$600 for expenditures by naval station pay director and \$150 by Marine-Hospital Service, for care of sufferers from fire at Chelsea, Mass.; additional authorization of hospital care, up to \$3,600.

Act of May 27, 1908 (35 Stat. 387 sec. 7): Officers of Isthmian Canal Commission relieved from liability to account for \$11,205.53 used for supplies furnished sufferers from earthquake in Jamaica in 1907.

Act of January 5, 1909 (35 Stat. 584, ch. 7): Appropriation of \$800,000 for procurement and distribution of provisions, clothing, medicines, etc., for suffering and destitute people of Italy (Messina earthquake).

Joint resolution of July 1, 1909 (36 Stat. 183, No. 4): Extension to October 1, 1909, of time allowed for treatment of accident, etc., cases in Chelsea Marine Hospital.

Act of May 13, 1910 (36 Stat. 367, ch. 232): Distribution of tents, blankets, etc., among sufferers from earthquake in Costa Rica; no amount specified.

Act of February 18, 1911 (36 Stat. 919, ch. 11a): Appropriation of \$50,000 for transportation of supplies donated for famine sufferers in China.

Joint resolution of May 9, 1912 (37 Stat. 633, No. 19): Appropriation of \$1,239,179.65 for tents, rations, etc., for sufferers from floods in Mississippi and Ohio Valleys.

Act of August 26, 1912 (37 Stat. 597): Appropriation of \$30,000 to reimburse Revenue-Cutter Service for relief of sufferers from volcano near Kodiak, Alaska.

Same (p. 601): Appropriation of \$4,500 for mileage of Army officers and contract surgeons in connection with relief of flood sufferers in the Mississippi and Ohio Valleys.

Act of March 4, 1913 (37 Stat. 919): Use of \$18,173.69 of funds appropriated May 9, 1912, to reimburse Quartermaster Corps and Medical Corps for relief of flood sufferers in Mississippi, Ohio, and Green River Valleys.

Act of October 22, 1913 (38 Stat. 211): Appropriation of \$5,000 to reimburse Life-Saving Service for rescue and relief of flood sufferers in Middle West.

Same (p. 215): Appropriation of \$654,448.49 to reimburse certain Army appropriations for relief of sufferers from floods, tornadoes, and fires in Mississippi, and Ohio Valleys, Peach Tree, Ala., and Nebraska.

Same (p. 216): Credit of \$42,431.75 to certain Army accounts for expenditures for relief of flood sufferers in Mississippi Valley. Appropriation of \$130,940.38 to reimburse naval appropriations for relief of flood sufferers in Ohio and Indiana and on Ohio and Mississippi Rivers and tributaries.

Joint resolution of November 15, 1913 (38 Stat. 240, No. 15): Use of unexpended balance under act of August 26, 1912 (first provisions cited above) for relief of sufferers from storm in northern Bering Sea.

Act of August 1, 1914 (38 Stat. 637): Appropriation of \$500 for refund of rentals to lessees on Muskingum River damaged by flood conditions; abatement of rentals and termination of leases.

Same (p. 681, sec. 13): Appropriation of \$200,000 for relief of sufferers from fire at Salem, Mass.

Joint resolution of February 15, 1916 (39 Stat. 11, ch. 28): Loan, issue, or use of tents, provisions, and supplies, and Quartermaster's and Medical Departments for relief of sufferers from overflow of Mississippi River and tributaries; no amount specified.

Act of April 11, 1916 (39 Stat. 50, ch. 70): Supply of Army tents, cots, blankets, etc., for sufferers from fire at Paris, Tex.; no amount specified.

Joint resolution of August 3, 1916 (39 Stat. 434, ch. 267): Appropriation of \$540,000 for relief of flood sufferers in Southern States, including issue of seeds and Army supplies and supplying employment for destitute persons.

Joint resolution of August 24, 1916 (39 Stat. 534, ch. 404): Last preceding provision to apply to West Virginia also.

Joint resolution of June 8, 1921 (42 Stat. 19, ch. 17): Issue of subsistence and quartermaster supplies to persons suffering from overflow of Arkansas River and tributaries in Colorado; no amount specified.

Act of December 22, 1921 (42 Stat. 351, ch. 15): Expenditure of \$20,000,000 from funds of United States Grain Corporation for purchase and distribution of corn, seed, and grain, preserved milk for people of Russia.

Act of January 20, 1922 (42 Stat. 357, ch. 30): Transfer of \$4,000,000 worth of surplus medical supplies to American organizations for Russian relief.

Act of May 28, 1924 (43 Stat. 195): Expenditure from naval supply account of issues for relief of earthquake sufferers in Japan; no amount specified.

Act of February 24, 1925 (43 Stat. 963, ch. 297): Credit of \$6,017,069.03 in Army accounts for issue of supplies, etc., for earthquake sufferers in Japan.

Joint resolution of March 3, 1925 (43 Stat. 1252, ch. 478): Credit of \$8,548.27 in Army accounts for issue of quartermaster stores for relief of sufferers from cyclone at LaGrange and West Point, Ga.

Act of March 4, 1925 (43 Stat. 1235, ch. 547): Credit of \$10,575.58 in Army accounts for issue of quartermaster stores, etc., for relief of sufferers from fire at New Bern, N. C.

Act of March 4, 1925 (43 Stat. 1286, ch. 548): Credit of \$4,582.33 in Army accounts for issue of quartermaster stores for relief of sufferers from cyclone in northwestern Mississippi.

Act of February 9, 1927 (44 Stat. 1065, ch. 89): Issue of \$936.62 quartermaster stores for flood-relief work in Texas.

Act of February 14, 1927 (44 Stat. 1097, ch. 136): Issue of \$1,775.80 Army stores for relief of sufferers from fire at Astoria, Oreg.

Act of February 25, 1927 (44 Stat. 1792, ch. 213): Determination of losses to property owners near Hatch and Santa Teresa, N. Mex., by overflow of Rio Grande; and appropriation of \$75,000 authorized.

Act of February 28, 1927 (44 Stat. 1251): Loans, etc., up to \$253,000 to owners of crops and livestock damaged or destroyed by Florida hurricanes.

Act of January 26, 1928 (45 Stat. 53, ch. 11): Authorized for employment, by Secretary of Agriculture in cooperation with States, of local agents necessary to aid in rehabilitation of farm lands in areas affected by floods of 1927. (\$400,000 appropriated for carrying out above, by act of May 16, 1928 (45 Stat. 543); and unexpended balance reappropriated by act of June 13, 1929 (46 Stat. 8, ch. 18).)

Act of May 29, 1928 (45 Stat. 985, ch. 898): State of Ohio relieved from accountability for certain Federal property lost, etc., in connection with relief work incident to tornado at Lorain in June 1924.

Joint resolution of December 21, 1928 (45 Stat. 1067, ch. 46): Authorization of \$6,000,000 for rehabilitation of agriculture, \$2,000,000 for schoolhouses and \$100,000 for purchase of seeds, etc., in Puerto Rico, following hurricane of September 1928.

Joint resolution of February 25, 1929 (45 Stat. 1306, ch. 318): Loans for purchase of seed, fertilizer, etc., in storm and flood-stricken areas of southeastern States; \$6,000,000 authorized—appropriated in deficiency act of March 4, 1929 (45 Stat. 1635).

Joint resolution of May 17, 1929 (46 Stat. 3, ch. 5): Loans under resolution of February 25, 1929, above, in respect of storms between that date and May 17.

Joint resolution of January 22, 1930 (46 Stat. 57, ch. 23): Additional appropriations authorized—\$1,000,000 for loans to coffee planters, etc., and \$2,000,000 for rebuilding of schools in Puerto Rico.

Joint resolution of March 3, 1930 (46 Stat. 78, ch. 68): Loans to farmers in storm- and drought-striken areas of 15 States—for purchase of seed, etc.; extended to include tractor fuel, etc., by resolution of April 24, 1930 (46 Stat. 254); \$6,000,000 appropriated under act of March 26, 1930 (46 Stat. 99) for carrying into effect provisions of joint resolution of March 3, 1930.

Act of March 12, 1930 (46 Stat. 84, ch. 77): Appropriations of \$1,660,000 to aid State of Alabama in construction of roads, etc., damaged by floods in 1929.

Act of May 27, 1930 (46 Stat. 386, ch. 336): Appropriation of \$506,067.50 to aid State of Georgia in construction of roads, etc., damaged by floods in 1929.

Act of June 2, 1930 (46 Stat. 489, ch. 363): Appropriation of \$805,561 to aid State of South Carolina in construction of roads, etc., damaged by floods in 1929.

Act of June 28, 1930 (46 Stat. 829, ch. 713): State of Vermont relieved from accountability for certain Federal property lost, etc., in connection with relief work incident to flood of November 1927.

Act of July 3, 1930 (46 Stat. 865): Appropriation of \$1,000,000 to be expended by the Puerto Rican Hurricane Relief Commission for repair work, etc.

Act of December 20, 1930 (46 Stat. 1032, ch. 21): Loans for purchase of seed, fertilizer, etc., in drought and storm-stricken areas of the United States; \$45,000,000 authorized [This amount was appropriated by joint resolution of January 15, 1931 (46 Stat. 1039, ch. 40); an additional \$20,000,000 was appropriated by act of February 14, 1931 (46 Stat. 1160).]

Act of February 23, 1931 (46 Stat. 1276): Appropriation of \$2,000,000 for loans to farmers in Southern States of loss of crops due to storm and drought.

Act of February 26, 1931 (46 Stat. 1420, ch. 305). State of Alabama relieved from accountability for certain Federal property lost, etc., in connection with relief work incident to Elba flood of March 1929.

Joint resolution of March 23, 1933 (48 Stat. 20, ch. 5): Loans by Reconstruction Finance Corporation authorized for repair of damage by earthquake in 1933. [Amended by act of May 29, 1933 (48 Stat. 99) to include, in addition to earthquake, damage by fire, tornado, or cyclone in 1933.]

Act of April 13, 1934 (48 Stat. 589, ch. 121): Loans authorized to be made by Reconstruction Finance Corporation to nonprofit corporation for repair of damages caused by earthquake, fire, flood, etc., in 1933 and January and February 1934. [Amended by act of July 26, 1935 (49 Stat. 505, ch. 421) to include damage caused by catastrophes in the "years 1933, 1934, 1935, and 1936"; further amended and superseded by the act of April 17, 1936 (49 Stat. 1232) to repair damages caused by catastrophes occurring in 1935 and 1936.]

Act of July 2, 1935 (48 Stat. 443, ch. 356): Officers and men of Naval and Marine Corps Reserve who searched for victims and wreckage of United States dirigible Akron, considered on active duty and entitled to pay for such duty.

Joint resolution of August 27, 1935 (49 Stat. 928, ch. 777): Puerto Rican Hurricane Relief Commission authorized to make adjustments in its loans, either by reduction in rate of interest or in the indebtedness, etc.

Act of April 10, 1936 (49 Stat. 1192, ch. 170): State of Alabama relieved from accountability for certain Federal property lost, etc., while being used for emergency relief work incident to Elba flood of March 1929.

Act of May 15, 1936 (49 Stat. 1278, ch. 403): State of New Jersey relieved from accountability for certain United States property lost, etc., while being used in connection with the *Morro Castle* disaster, September 1934.

Act of June 29, 1936 (49 Stat. 2035, § 500): Benefits of Employees' Compensation Act ex-

tended to veterans or other persons attached to Veterans' Camps Nos. 1, 3, and 5, injured, etc., as result of Windlys Island and Matecumbe Keys, Fla., September 1935.

Act of February 11, 1937 (50 Stat. 19, ch. 10): Disaster Loan Corporation created to provide loans necessary because of floods or other catastrophes in 1937. [Amended by joint resolution of May 28, 1937 (50 Stat. 211, ch. 275), to include catastrophes during 1936 and 1937; further amended by act of March 3, 1938 (52 Stat. 84, ch. 40, Public, No. 438), to include the year of 1938; and further amended by act of March 4, 1939 (53 Stat. 510, ch. 4 (d)), by increasing the capital stock of the Disaster Loan Corporation from \$20,000,000 to \$40,000,000 and extending the applicability of the act to catastrophes during 1938, 1939, and 1940, and further extended by act of June 10, 1941 (55 Stat. 248), to catastrophes occurring between 1936 and 1947.]

Joint resolution of February 24, 1937 (50 Stat. 21, ch. 17): Allocation of funds from Emergency Relief Appropriation Act of 1936 for health and sanitation activities in areas recently stricken by floods.

Act of May 25, 1937 (50 Stat. 204, ch. 255): State of Maine relieved from accountability for certain Federal property loaned for emergency work during fire at Ellsworth, Maine, May 8, 1933, and lost.

Act of March 5, 1938 (52 Stat. 93): Use of War Department appropriations to meet emergencies caused by flood of the Ohio and Mississippi Rivers in 1937 authorized.

Act of June 20, 1938 (52 Stat. 777, ch. 523): State of Georgia relieved from accountability for certain United States property lost, etc., while being used for emergency relief work in connection with tornadoes at Cordelia, Washington, and Gainesville in April 1936.

Act of June 23, 1938 (52 Stat. 1033, ch. 604): State of Connecticut relieved from accountability for certain Federal property lost, etc., while being used for emergency relief work incident to the Connecticut floods of March 1936.

Act of March 15, 1939 (53 Stat. 513), as amended by act of May 2, 1939 (53 Stat. 631): Appropriation of \$5,000,000 for rehabilitation of forest lands damaged by the hurricane of September 1938 in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and New York.

Act of July 12, 1943 (57 Stat. 542): \$15,000,000 appropriated for the fiscal year 1944, for assistance to farmers whose property was destroyed or damaged by floods in 1943. [Balance made available until June 30, 1945, by act of May 20, 1944 (58 Stat. 224, ch. 201)].

NOTE.—There are numerous acts in which provision is made for the relief of specific individuals for injuries sustained in calamities similar to those mentioned above. These are mostly reimbursement for property losses or personal injuries, after examination of extent of damage. See, for example, 17 Stat. 646 (postmaster, Chicago fire); 28 Stat. 932 (25 persons, Ford Theater disaster); 29 Stat. 273 (94 persons, Ford Theater disaster); 31 Stat. 1612, ch. 838 (1 person, Ford Theater disaster); 36 Stat. 2022, ch. 234 (1 person, Allegheny River flood); 37 Stat. 1286, ch. 273 (21 parties, Allegheny River flood); 45 Stat. 1849, ch. 589 (1 person, Galveston flood, 1900); 45 Stat. 2014, ch. 940 (9 persons, drainage ditch overflow); 45 Stat. 2047, ch. 144 (persons named in certain House documents, Lake Denmark, N. J., explosion and fire); 45 Stat. 2326, ch. 309 (1 person, accidental burning of orchard); 45 Stat. 2326, ch. 310 (21 claimants, flooding of Chesapeake & Delaware Canal); 46 Stat. 1954, ch. 791 (certain citizens of California flood, 1926); 46 Stat. 1958, ch. 808 (6 persons, erosion of dam on Allegheny River, 1927); 47 Stat. 1669, ch. 220 (1 person, Lawton, Okla., fire, 1917); 47 Stat. 1763, ch. 303 (2 persons, overflow of Rio

Grande, 1921); 49 Stat. 2071, ch. 217 (1 person, earthquake and fire at Yokohama, Japan, 1923); 49 Stat. 2320, ch. 570 (1 person earthquake and fire at Kamakura, Japan, 1923).

The following acts, while not providing direct relief to sufferers, make allowances in the payment of taxes, etc., or appropriate sums to reimburse rescuers, or to prevent threatened disasters:

Act of February 12, 1875 (18 Stat. 629, ch. 73): Sum of \$5,000 appropriated for payment to Joseph J. Petri of Illinois, in recognition of his heroic and successful efforts in rescuing a train of emigrants from starvation and impending death while snowed in between the Sierra Nevada and Trinity Mountains.

Act of May 23, 1976 (19 Stat. 55, ch. 104): Time for making final proof and payment by pre-emptors extended 2 years upon satisfactory proof that crops on the lands had been destroyed by grasshoppers.

Act of August 15, 1894 (28 Stat. 553, section 28): In computing income, deductions authorized to be made for losses arising from fires, storms, or shipwreck.

Proclamation of August 25, 1906 (34 Stat. 3227): Requisition for generous response to collection by National Red Cross Association for assistance for victims of earthquake at Valparaiso, Chile.

Joint resolution of January 19, 1910 (36 Stat. 873, No. 4): Appropriation of \$10,000 for removal of ice gorges in the Ohio River, which are threatening the destruction of life and property.

Act of February 10, 1938 (52 Stat. 33 (d)): Suspension of regulations conditioning payments under Soil Conservation and Domestic Allotment Act upon the utilization of the land whenever there is a shortage of food by reason of drought, flood, or other disaster.

Same (p. 66, sec. 381, as amended by 52 Stat. 204, sec. 12): Cotton price adjustment payments not to be suspended in cases where in 1937 there was a total or partial crop failure due to hail, drought, flood, or boll-weevil infection, or destruction by fire.

(M. H. McClenon, March 6, 1928; W. C. Gilbert, October 30, 1930; Margaret Fennell, May 2, 1947.)

Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. HAGEN. I yield.

Mr. FORD. I would like to compliment the gentleman from Minnesota [Mr. HAGEN] and others in spearheading this legislation. I would like also to make a comment or two about the individual bills for the States of Minnesota and North Dakota and other units. For obvious reasons, it is not possible for the committee to approve legislation in each disaster in any particular area. Our committee would be overworked with legislation of that kind. The legislation that is before us today is the kind that will meet all emergencies of a disaster, and gives the President the necessary authority for not only providing the relief but for coordinating the relief. In many ways perhaps it is not unfortunate that we cannot take up individual bills for Minnesota and North Dakota, which the gentleman sought as necessary legislation, but under the circumstances I think we have come out with a very good solution, and I commend the gentleman for his efforts.

Mr. HAGEN. I thank the gentleman.

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. HAGEN. I yield.

Mr. STEFAN. I am sure our late colleague from North Dakota, Mr. Lemke, would be very happy to know that we

are considering this bill. I, too, want to compliment the gentleman from Minnesota for his untiring efforts to get these emergency flood-control bills tied into one. However, this bill calls for an authorization of \$5,000,000. Do you know when any of that money would become available? Is there some action taken, after this authorization is passed, to get some of the appropriation in the bill presently before us?

Mr. HAGEN. I am glad the gentleman brought that matter up, because I am deeply concerned about it. It is my hope that we can get the money in the deficiency bill this session, before the session ends, to carry out the purposes of this bill.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. HAGEN. I yield.

Mr. WHITTINGTON. I think the question is quite important. As I stated at the beginning of this debate, there is a \$750,000 appropriation made on June 29, 1950, already made available. That fund is immediately available for Nebraska, as well as West Virginia and other States, because it has not been expended as yet.

Mr. STEFAN. Does the gentleman know, Mr. Speaker, how much remains of that \$750,000?

Mr. WHITTINGTON. I understand that none of it has been expended; it is there for relief of emergencies, some of which occurred in the gentleman's State.

Mr. STEFAN. Yes. The gentleman knows of the terrible disaster in the State of Nebraska causing loss of life and much property damage.

Mr. HAGEN. And this bill will provide aid in such situations.

Mr. STEFAN. What am I to tell my constituents as to the \$750,000 that is available for disaster relief now?

Mr. HAGEN. The President may declare that area an emergency disaster area and the governor of the State may apply for and get funds, although they may be entirely inadequate. Funds will be available in this bill to meet disaster emergencies. We recently had a disaster in Minnesota in which the full amount of \$750,000 itself would be just a drop in the bucket. We received \$150,000 from the President's disaster fund.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. DONDERO. Mr. Chairman, I yield the gentleman three additional minutes.

Mr. STEFAN. In case this bill is not passed, the \$750,000 will still be available. After this bill passes will the \$750,000 be added to the \$5,000,000 provided for in this bill?

Mr. HAGEN. It will remain available in a separate fund, as I understand it.

Disaster may strike any part of America. During the 29-year period just passed we have had disasters in every State in the Union, they total 4,096, of a major character.

(Permission having been granted to Mr. HAGEN, the table of disasters in the continental United States by types from July 1, 1920 to June 30, 1949, as recorded by the American Red Cross, follows:)

State	29-year total	Hurricanes	Tornadoes	Other storms	Floods	Fires (including forest fires)	Other	Rank in number of disasters
Alabama	134	1	80	7	16	25	5	14
Alaska	28				4	16	8	42
Arizona	32			3	8	17	4	39-41
Arkansas	142		77	11	31	14	9	12
California	186	1		4	36	110	35	5
Colorado	49		7	5	25	3	9	33
Connecticut	50	2		1	4	36	7	32
Delaware	7	1			1	2	3	50
District of Columbia	10		1		4	1	4	49
Florida	107	15	26	8	12	32	14	18
Georgia	137	3	56	19	21	24	14	13
Idaho	22		1		6	11	4	46
Illinois	268		35	8	45	158	22	2
Indiana	77		20	2	25	14	16	25-26
Iowa	103		25	3	42	20	13	19-20
Kansas	99		39	4	46	6	4	22
Kentucky	145		20	7	55	42	21	11
Louisiana	150	6	79	8	25	24	8	9
Maine	48			1	3	42	2	34-35
Maryland	48	2	7	3	7	20	9	34-35
Massachusetts	123	2	1	5	7	93	15	16
Michigan	52		11	2	8	22	9	31
Minnesota	77		32	11	10	17	7	25-26
Mississippi	159	2	84	16	32	19	6	7
Missouri	146		55	4	50	27	10	10
Montana	32		2	2	16	4	8	30-41
Nebraska	70		21	7	36	2	4	28
Nevada	20				6	9	5	47
New Hampshire	32	1			3	26	2	39-41
New Jersey	129	2	2	2	5	89	29	15
New Mexico	42		1	5	17	11	8	36
New York	190	2	3	10	27	122	26	4
North Carolina	95	4	30	11	9	29	12	23
North Dakota	37		8	4	13	4	8	37
Ohio	151		28	1	45	48	29	8
Oklahoma	107		76	14	45	13	19	6
Oregon	57		1		21	30	5	29
Pennsylvania	212	1	16	3	42	105	45	3
Rhode Island	26	2			1	19	4	43-44
South Carolina	78	5	35	12	9	12	5	24
South Dakota	35		13	4	7	6	5	38
Tennessee	117		41	6	30	25	15	17
Texas	288	9	123	34	74	28	20	1
Utah	26			1	8	7	10	43-44
Vermont	25	1		2	5	15	2	45
Virginia	102	2	14	6	16	36	28	21
Washington	53			1	15	24	13	30
West Virginia	103		4	3	36	40	20	19-20
Wisconsin	72		23	8	21	15	5	27
Wyoming	18		2	1	9	2	4	48
Unadjusted total	4,576	64	1,099	269	1,039	1,516	589	-----
Adjustment for occurrences in more than 1 State	480	24	150	18	186	13	89	-----
Net total	4,096	40	949	251	853	1,503	500	-----

Corresponding data for the entire period are now in process of compilation in the office of Statistical Reference and Information and will be substituted for these tabulations as they become available.

Mr. HEDRICK. Mr. Chairman, will the gentleman yield?

Mr. HAGEN. I yield.

Mr. HEDRICK. I do not quite understand how much the States themselves are to put up.

Mr. HAGEN. That is indefinite, depending on the city, county, township, or State, and what it may be able to do for itself, and also on the character and size of the disaster.

Mr. HEDRICK. Who finally decides on the question of the amount necessary?

Mr. HAGEN. The Governor or other State officials, or any State disaster or emergency board, as I understand it, and with the final approval of the Federal agency concerned and the President.

Mr. WHITTINGTON. I may say that the bill in that particular contains identical language that has been used in all these bills pertaining to emergencies, in the past 2 years.

Mr. HAGEN. As I understand, for instance, if a distressed community had a bridge go out they could get financial assistance to rebuild the bridge at least on a temporary basis if they did not have sufficient money of their own. The same way with roads, bridges, and culverts.

Mr. GRANGER. Mr. Chairman, will the gentleman yield?

Mr. HAGEN. I yield.

Mr. GRANGER. It seems to me this is a very, very important bill and a forward-looking step in the right direction. It is a case of something being better than nothing, but it is a very important step forward. As the gentleman knows, almost every State in the Union has been afflicted at one time or another with a disaster. As I see this bill you are not necessarily too conservative in making available \$5,000,000, because the total amount will depend upon future appropriations.

Mr. HAGEN. The amount is not very large, but it will provide a little assistance and establish the principle and a permanent pattern of emergency aid in cases of disasters.

Mr. Chairman, I ask unanimous consent to insert as part of my statement the preliminary remarks I made before the House Public Works Committee and also the concluding statement I made before the committee for the purpose of supplying additional information on this legislation.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

(The matter referred to follows:)

STATEMENT OF HON. HAROLD C. HAGEN, A
REPRESENTATIVE IN CONGRESS FROM THE
STATE OF MINNESOTA

Mr. HAGEN. I want to thank the chairman and the members of this committee for the opportunity to be present this morning and to offer some testimony with reference to this legislation.

I want to further express, Mr. Chairman, the gratitude on the part of the folks in my district and my people to this committee, the chairman, and the able staff, for the very fine reception given to us all along in this recent flood disaster and crisis, the worst in our section's history. In fact, it is a national disaster of major proportions, one of the most serious disasters that has confronted the Nation in all its history. The damages run up into the hundred millions, private and public.

We are here today to plead with your committee for consideration of several bills the final writing of which and the details of which will be in your hands. However, our general appeal is on the basis of getting assistance primarily to the townships, the counties, the villages, and the towns to rebuild their bridges, culverts, streets, highways, and roads because they are not able to bear the financial cost to do so. It is necessary in the public interest to do so.

This area has been visited by floods, very serious floods, periodically but more so in 1948 and to some degree in 1949, and the worst one in 1950. Over the last few years, the counties, and more especially the townships, have depleted their funds and now are financially unable to rebuild their roads, bridges, and culverts because of the preceding floods on top of the one that we had this year.

Now it is going to be difficult, as has been pointed out, to prevent these floods in the future. But there is a program that is needed and will be provided, we hope, eventually for diking and levees in certain areas, several flood-control water reservoir dams which can be constructed in certain sections of the valley area where there is a rapid and quick fall and other flood-control projects.

But then our primary purpose here today is that of getting assistance to rebuild the streets, farm-to-market highways and roads, bridges, and culverts in an area where the farmers cultivate and produce the food production we need. The Red River Valley has some of the most fertile land in the world and the Federal income-tax payments from those areas are the highest per capita of any place in the country when the crops are produced.

The CHAIRMAN. You have some constituents here?

Mr. DONDERO. I would like to inject one question at this point. Is it the purpose of your bill, Mr. HAGEN, to provide a restoration of these bridges and the highways, the damage done in this major flood, believing that the local community, even your State, might not be able to handle it?

Mr. HAGEN. That's right.

The counties and townships are doing a job as far as they are able to do so. Their funds are exhausted. Most of them have reached the legal limits in bonded indebtedness and yet there are many hundreds of miles and many dozens of bridges still out making it impossible for farmers to get to town with their products and to buy the necessary fuel supplies, and so on.

Most of the townships are completely broke financially and have been for several years because of the repetition of these floods and the subsequent damages to roads, bridges, and so forth. We want to come in and ask for some Federal assistance to rebuild them because it is in the national interest to do so as well as the local interest.

The CHAIRMAN. Thank you very much. We would be glad to have your further statement.

Mr. HAGEN. We have two suggested and desirable general programs. The one is immediate aid for Minnesota and North Dakota, and the broad general program for the whole country where emergencies of any kind, whether bombing or flood, hurricane, or cyclone, may hit or strike a community, perhaps where you gentlemen represent. I have checked the record and find since 1803 there have been several hundred major catastrophes in all of the States of the Union and there are many precedents in the official records where the Federal Government has aided and assisted the local communities from townships on up in many, many ways, not only in roads and bridges and dikes and culverts, but in other ways. So there is ample precedent for this sort of legislation.

The CHAIRMAN. We will be glad to have you hand those precedents to the committee. The committee has got the names of all of the floods that occurred during the past year as well as all of the disasters that have occurred since 1903 that we know about and we know about the Federal legislation that has been passed generally.

Mr. HAGEN. I will not go into detail at this time.

The CHAIRMAN. We will be glad for you to return.

Mr. HAGEN. I will be glad to make a further statement later and file with the committee the additional information. I would also like to file complete statements for several counties and areas in my district which are not here represented today.

I would like to ask permission for the witnesses who are here from my district and others to file a written statement after their oral statement.

The CHAIRMAN. We will be glad for you to present those witnesses and we thank you for this general statement and will be glad for you to extend yours remarks later.

Mr. HAGEN. Since we have so many witnesses, it has been suggested that they hold their testimony to 5 minutes or less and then file a written statement.

The CHAIRMAN. Thank you sir, very much. Is Mr. MARSHALL here from Minnesota?

Mr. MARSHALL, we will be glad to have your general statement and if you have any witnesses, it has been suggested that they hold have them appear and to hear from them.

SUPPLEMENTAL AND CONCLUDING STATEMENT BY
REPRESENTATIVE HAROLD C. HAGEN, MEMBER
OF CONGRESS FROM THE STATE OF MINNESOTA

Mr. HAGEN. Mr. Chairman and members of the committee, I believe the officials and citizens of the ninth district and those from other parts of Minnesota and from North Dakota have given you the facts as they are and have shown you conclusively that there is a great need for Federal assistance to the townships, counties, villages, and cities for the necessary program of rehabilitating, construction, and repair of the roads, streets, bridges, culverts, and other public facilities, much of it being of an emergency nature.

The recent flood, the worst in the history of our area, was from the waters of the Red River of the North and its tributaries, a United States War Department, Corps of Engineers, federally controlled river.

In my opinion, there is a definite responsibility of the Federal Government in connection with public flood damages which have amounted to many millions of dollars. The losses to personal and private property also were very heavy.

These witnesses have told you the story of the damages done and the need for the earliest possible rebuilding and construction program. The aid so far given by State and Federal agencies has been inconsequential in view of the millions of dollars of damages.

I am hopeful that the committee and the Congress will act quickly on the legislation before you. The need is great and the cause is just.

These are bills which I personally introduced and on which I seek approval.

H. R. 8435, which would provide for the authorization for an appropriation for the reconstruction and repair of roads, bridges, and other public facilities in the States of Minnesota and North Dakota, which were destroyed or damaged by floods in the spring of 1950, and for building necessary road dikes and levees and dike and levee protection.

H. R. 8461, which would authorize Federal assistance to States and local governments in major disasters, and for other purposes.

Other bills have been introduced by Representative USHER BURDICK and by the late William Lemke, of North Dakota, and the United States Senators from the two States.

In connection with this legislation I had the pleasure of working very closely with the late Representative William Lemke. Since he and I introduced somewhat similar bills, may I suggest that this committee honor his work, efforts and memory by approving his bill, H. R. 8396, instead of my own.

In your consideration, I desire to point out that there are many instances of previous acts of Congress granting, or ratifying grants of relief, aid and assistance, financial and otherwise, to sufferers from floods, fires, earthquakes, and other disasters. Beginning with special legislation first enacted on February 19, 1803, up to and including an act of July 12, 1943, there are over 128 separate legislative acts which provided assistance in one manner or another. In the record you will find the following pertinent legislative acts which provided assistance to States for the construction of roads, bridges, etc.:

Act of March 12, 1930 (46 Stat. 84, ch. 77): Appropriations of \$1,660,000 to aid State of Alabama in construction of roads, etc., damaged by floods in 1929.

Act of May 27, 1930 (46 Stat. 386, ch. 336): Appropriations of \$506,067.50 to aid State of Georgia in construction of roads, etc., damaged by floods in 1929.

Act of June 2, 1930 (46 Stat. 489, ch. 368): Appropriations of \$805,561 to aid State of South Carolina in construction of roads, etc., damaged by floods in 1929.

In line with previous action of Congress, I ask you to approve some legislation which will give assistance to Minnesota, and North Dakota in their tremendous rehabilitation program made necessary by the disastrous floods of this year.

In closing I want to thank the committee for giving the opportunity to the witnesses of Minnesota and North Dakota to present their views in support of this legislation.

The CHAIRMAN. Thank you, Mr. HAGEN.

The committee will be in executive session, and the witnesses will retire.

(Thereupon, at 11:43 a. m., the committee went into executive session.)

Mr. HAGEN. Mr. Chairman, there has been no opposition to the bill, and because disaster may hit any district in America at any time I do not think there will be any opposition from Members on either side of the aisle.

We want to get this bill through so that when there are national disasters in the future we will have funds immediately available. We have had disasters in Minnesota and North Dakota this year, and other places more recently, Nebraska, also Virginia and West Virginia.

This bill will help them out on an emergency basis, if not more or less permanently. It will assist in rebuilding facilities which have been damaged by flood or other disaster.

Permission having been granted to Mr. HAGEN, a copy of a telegram dated July 10, 1950, showing the flood damages to county and local roads in the Ninth Congressional District of Minnesota is herewith inserted as follows:

ST. PAUL, MINN., July 10, 1950.

Congressman HAROLD C. HAGEN,
New House Office Building,

Washington, D. C.:

Regret circumstances make it impossible for me to be present for hearings tomorrow on H. R. 8435. Flood damages to county and local roads alone in your congressional district including roadways, bridges and culverts, totals some \$2,241,335 according to estimates of State disaster committee based on surveys by local disaster committees constituted by representatives of Red Cross, farm organizations, county board chairmen and county engineers. By counties, public road damage claims, not including any damage to State highways, are as follows:

Kittson	\$342,500
Roseau	130,000
Lake of Woods	20,000
Marshall	666,473
Beltrami	39,578
Poik	180,350
Red Lake	43,000
Pennington	86,389
Clearwater	62,865
Norman	206,840
Mahnomen	194,000
Clay	117,000
Becker	50,000
Wilkin	48,000
Ottertail	55,000

No private damage claims are included in these figures but estimates may be obtainable from Col. Joe Nelson, F State disaster committee if desired.

M. J. HOFFMANN,
Commissioner of Highways, State of
Minnesota.

Mr. DONDERO. Mr. Chairman, I yield such time as he may desire to the gentleman from Illinois [Mr. VURSELL].

Mr. VURSELL. Mr. Chairman, I rise to ask the question, When are both Houses of Congress going to do something to try to stop the Communists in this country?

We passed the Mundt-Nixon bill in this House over a year ago by a vote of 319 to 58 to try to gain some control over their actions and prevent the growth and spread of communism. This bill has been before the other body since that time, and from remarks made in that body last week when the author of the Mundt-Nixon bill urged that it be put on the calendar in order that it might be acted upon in this session, the leader of that body gave little or no assurance that it would be put on the calendar for consideration.

The administration and its leadership determines the legislation that shall be taken up from week to week. Certainly, the people of the Nation, while spending billions of dollars with our sons losing their lives in Korea fighting the Communists abroad, want the Congress to make every possible move against the Communists here in our own country.

The Mundt-Nixon bill should be passed before this Congress adjourns. This bill will doubtless be passed by the other body if those in charge will bring it up for consideration.

There are 3,361 active Communists in the State of Illinois. No, they are not just red herrings, they are card-carry-

ing Communists. There are over 50,000 in the United States and working with them as fellow travelers and left-wingers are over 400,000 all of whom are a threat to the freedom and stability of this Nation. J. Edgar Hoover has pointed out that the Communists are a great and dangerous threat to the Nation today.

The House Committee on Un-American Activities has done a remarkable job in constantly fighting the efforts of these fanatical Godless people who would destroy our Nation. Every effort should be made by both Houses of the Congress to curb the power and opportunity of this group of people who are trying to overthrow our Government.

Mr. Chairman, unless a united and strong effort is made here on the home front against the Communists we may find ourselves in a position where they will be able in the event of another war to sabotage our industrial plants in co-operation with the enemy abroad doing more damage than many divisions of Communists troops could do if they were landed on our shores. Why wait for another Pearl Harbor which could be brought about through their cooperation?

If our country is weakened to a great degree by another war we will have here a more fertile field for the seeds of communism to be sown with an opportunity for doing our Nation greater damage. They are the source that stirs up much of the unrest among groups of our people. Every American in public life today knows he is liable to attack by these smear mongers who aid and abet every movement that would hasten the overthrow of our Government.

When any people or any government pay heed to a philosophy of government based on the thesis that there is no God, that man has no soul, that the state is supreme and the individual nothing, that a state is good if it believes in communism and evil if it thwarts communism—such a government will never provide man the privileges and the opportunities he is entitled to under the Stars and Stripes. Yet, the people in the Communist movement in the United States subscribe to this philosophy.

Such a philosophy has and will provide the moral and spiritual ruin of any people and any government. Such a philosophy will wither the hopes and aspiration for the better things of life which has long been our American heritage.

Mr. Chairman, I hope it may never be said that I helped to turn the key in the church doors of my beloved country because of my negligence or failure to oppose these Communists within our gates who will do it unless be prevent it.

May it never be said that I failed to oppose their effort to substitute their hymns of hate, terror, smear attacks, and character assassinations, for the real fundamental values of life which include tolerance, liberty, friendship, peace, love, charity, and justice for all men. Unless stopped, they will stamp out the church, religion, and liberty will die here as it has abroad.

Unless curbed they will destroy all of the things that make life worth while.

They will destroy the liberty and freedom of all of the people of this Nation. It is the duty of the Congress to move against them now and without further delay, ruthlessly and relentlessly. They are enemies of this Nation and everything it stands for. They are traitors to our country. If necessary, they should be thrown into concentration camps behind barbed-wire entanglements for the protection of our form of government and the welfare of our people.

Mr. DONDERO. Mr. Chairman, I yield 5 minutes to the gentleman from North Dakota [Mr. BURDICK].

Mr. BURDICK. Mr. Chairman, this is not a relief bill for the full damage of any distressed area. Here this afternoon you are making history, because as I understand, this is the first time in the history of this Congress that any emergency appropriation of this nature was ever authorized. At this time there is an authorization of \$5,000,000 to go into the President's fund for the relief of the entire Nation whenever any disaster occurs; consequently, this bill is not directed to North Dakota or Minnesota where the Red River flood controlled this spring. It is directed to every State in the Union. There is no danger of this bill not passing.

When we had a disastrous flood in the Red River Valley this spring a great many people said, "Well, why do you not build dams and stop these enormous floods?" When you stop to realize that in that section of the country those people are living in the bottom of an old glacial lake that is 300 miles long with an average width of 75 miles wide, the land is level, the fall of the river I think is a little less than 5 inches per mile, there is area enough there when you have unprecedeted snow and rains below any dam you could construct to produce this same condition regardless of dams. Remember that every element of nature has to combine before you can have a flood of this kind.

First of all, in the upper end of this Lake Agassiz the weather was warm, the snow was melting and rain was coming down, and as the river sluggishly flowed north to the Hudson Bay it ran into weather 10 below zero. That froze and consequently it could not get out. There was area enough in that whole basin to bring this about regardless of dams.

This fund is to be handled by the President. It is an emergency fund. It is not payment for damages. When we had this emergency in North Dakota a great many of us went to see the President and told him our situation. We stated that various departments had declared it to be an emergency situation, that the Governor of the State had asked for assistance. From the money he had available we received assistance. We could not complain because he did all he could but there was not money enough in this emergency fund to go very far.

All you are doing this afternoon is putting \$5,000,000 additional into the general emergency fund for the President to handle for the entire Nation. You are not settling any of the damage done in the Red River Valley because if you

did you would have to appropriate \$70,000,000.

Mr. HEDRICK. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from West Virginia.

Mr. HEDRICK. Is this retroactive? Would it help floods that occurred a month ago?

Mr. BURDICK. Well, if the emergency still exists, it will help. What I mean by an emergency is when people lose their homes, when they have not anything to eat, and they lose their clothes and livestock. That is what I call an emergency.

Mr. HEDRICK. About 4 or 5 weeks ago in West Virginia we had a terrific flood which did a million dollars of damage. Of course, that damage has not been corrected. Would this bill take care of that situation?

Mr. BURDICK. I think the only part this bill would ever reach would be in a community where a necessary road has been washed out and the township or the county was unable, because of indebtedness, to build the road. If it made application through their Governor to the President that situation would be taken care of. But it would have to be from an emergency fund. That is all this committee is doing, providing an emergency fund, and, so far as I am concerned, they have done a good job.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. DONDERO. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. I may say to the gentleman, also the gentleman from Nebraska [Mr. STEFAN] that \$750,000 was appropriated here on June 27, 1950. From information I have, substantially no part of that fund has thus far been used. It would be available in Nebraska and West Virginia.

Mr. STEFAN. It would be retroactive to the damage done in Nebraska a few months ago?

Mr. WHITTINGTON. That appropriation has already been made.

Mr. BURDICK. And this \$750,000 that the appropriation provides for will bridge the period over to the expenditure of \$5,000,000, so if an emergency situation arises such as we had in North Dakota, it will be taken care of to the extent provided for in the bill.

Mr. GRANGER. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Utah.

Mr. GRANGER. What is going to happen to the farmer or the people who lost their land and their farms?

Mr. BURDICK. Well, the same thing that happened to us when we lost our crops for 9 years. We fight our way out of it.

Mr. GRANGER. You are not closing the doors to disaster loans by this legislation?

Mr. WHITTINGTON. We have stated repeatedly throughout this debate that this is supplemental legislation.

Mr. BURDICK. That is right. It does not interfere with any other legislation, and it is purely for emergencies.

Mr. GRANGER. That is, for the emergency then and there to repair the damages only; that is, in a public way, such as roads and bridges and the like.

Mr. WHITTINGTON. That is right.

Mr. BURDICK. That is right, and a place to eat and sleep during the emergency. But it does not go to the extent of trying to rebuild your houses or reget your land or anything of that sort. That would not be an emergency under the meaning of this bill, and I do not think they could take care of it in any other way. I want to compliment the committee for doing as well as they have.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. WHITTINGTON. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. BLATNIK].

(Mr. BLATNIK asked and was given permission to revise and extend his remarks.)

Mr. BLATNIK. Mr. Chairman, I rise to speak on this bill, H. R. 8396, which authorizes \$5,000,000 in Federal financial assistance to States and local governments to enable them to repair damage to public installations caused by flood, drought, fire, storms, and other major disasters.

I strongly endorse the purpose of this bill, which is to provide funds to help State and local governments repair disaster damage to roads, bridges, streets, public buildings, and other installations. Experience has shown that local governments are unable to finance these repairs in cases of serious disasters, and the only source of additional funds is the Federal Government.

I am, however, very much disappointed that this bill only authorizes an additional sum of \$5,000,000 for this purpose. This amount is wholly inadequate to carry out the purposes of this bill—the \$5,000,000 authorized will be a drop in the bucket since the President's disaster fund is now totally exhausted and this year's flood damage has been unusually severe.

My district is in northeast Minnesota, which was severely hit by floods last spring, and which was declared a disaster area by President Truman some time ago. Thus I am in a position to testify as to the inadequacies of this bill, which is supposed to provide funds to cope with all forms of disasters in the 48 States. A few statistics on flood damage in Minnesota alone will show that if the whole amount were allocated to our State it would barely repair the worst of this year's flood damage, and certainly there would be little left for anyone else. I will give you the facts.

According to the adjutant general of the State of Minnesota, Brig. Gen. Joseph E. Nelson, the 1950 flood damage in the 18 northern counties of Minnesota amounted to over \$11,000,000, of which \$2,747,754 represents damage to public

facilities. The flood damage to public installations in the six counties in my district are listed below:

Koochiching County-----	\$25,000
Carlton County-----	100,000
St. Louis County-----	218,000
Cook County-----	50,000
Itasca County-----	100,000
Lake County-----	25,000

Total (Minnesota Eighth District)-----	518,000
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Mr. Chairman, this \$518,000 represents the extent of damage to public installations from one disaster in one congressional district. And I will say that other areas throughout the country have been just as hard hit as my district.

It is clear that the \$5,000,000 authorization in this bill will not carry out the purposes of the bill—if about 12 percent of the total amount is necessary to repair flood damage to public installations in my congressional district and if 55 percent of it is needed right now for public installations in Minnesota—then how can we expect this authorization to meet the needs of the entire country? By the time this \$4,000,000 is spread out to all disaster areas, there will be so little available as compared to the need that the effect of this bill will be insignificant.

I maintain that this authorization should be increased to at least \$25,000,000, and it is my hope that the House will take such action today. Those counties and city governments that have been hard-hit by flood and other disasters need help desperately, and Federal funds must be forthcoming.

It also occurs to me that, in view of widespread floods this year, the Federal Government should get busy in formulating and passing a broad flood-control program to prevent future floods. Such a program would prevent the recurrence of the floods we had in Minnesota and the upper Midwest this spring. Such a program would save millions of dollars every year, and would represent a sound investment in our country.

Mr. WHITTINGTON. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. WIER].

Mr. WIER. Mr. Chairman, while this bill does not affect my district particularly, I am concerned with it, and appreciate the work that has been put in in making a real contribution here for the relief in disasters that happen from time to time in State after State. This is a very simple procedure. I am quite familiar with the process here as well as familiar with what happened in the State of Minnesota this spring, when this flat river, that flows through land as flat as this floor, suddenly found itself bursting at the seams, and then all over night looked like the Atlantic Ocean. Thousands and thousands of homes were from 6 to 8 feet under water. All transportation was disrupted.

Immediately the Governor was notified of the emergency, he called the State Emergency Fund Committee together and got \$750,000, after which he called in the National Guard. The National Guard was a savior, because it brought up into that district 10 or 12 of its "duck"

power boats, which provided a means of transportation.

Finding the situation really serious, the Governor appealed to the President of the United States. There was a small amount of money available which the President made available for the State of Minnesota to use, but it was a drop in the bucket.

That is the process here. It is a fast-working operation. The Governor of West Virginia, the Governor of Nebraska, the Governor of Wisconsin, or the next governor can tomorrow, when faced with disaster, using their own machinery first and then appealing to the President, put this relief into action immediately. That is what I like about this legislation. There is not a lot of red tape. It is a process of negotiation between the Governor of the State and the President of the United States.

Mr. WHITTINGTON. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. BURNSIDE].

Mr. BURNSIDE. Mr. Chairman, we had quite a disaster recently, which I am sure you gentlemen read about in the papers. Thirty-six people were killed and about 200 homes were washed out, knocked out completely. In our narrow valleys, water pours down in a hurry, taking everything with it. Then it rushes on where the terrain is level in the Ohio Valley, and washes out more homes there. Bridges were knocked out and roads were damaged, to the tune of about \$1,250,000 of damage to the State highway system in the State of West Virginia.

Not only have we had just one disaster, but we have had three along the Little Kanawha River within 1 year. One of the locks has been knocked out on the Little Kanawha and extreme damage has been done to the State fish hatchery which is valued at \$750,000. Not only has there been damage to the fish hatchery in this area, which I have just mentioned, but serious damage has been done to farming in Roane, Pleasants, Tyler, Jackson, and Wirt Counties. Five or six rows of corn along the whole Little Kanawha Valley area has been washed out. They cannot support themselves in these counties if they continued to lose their fertile valleys through floods.

We are not asking for a permanent solution in the bill under consideration. The lime, phosphate, and cover-crop programs, if they are extended, building up the grass and the forest lands, we can stop this devastation. But when you lose your homes, when they are knocked out completely, when they have been hammered to splinters and carried on down the mountain streams, those people need relief immediately. That is the type of thing we have covered in this measure, where nearly whole families, even, have been killed and only a few of them are left. They need emergency relief. This bill gives some emergency relief to families like that, where only a few have been left.

I ask your support for this necessary legislation, not as a permanent solution, but only as a measure to help them in their time of need.

Mr. HEDRICK. Mr. Chairman, will the gentleman yield?

Mr. BURNSIDE. I yield to the gentleman from West Virginia.

Mr. HEDRICK. How many millions of dollars of damage was it estimated was caused by this flood?

Mr. BURNSIDE. A million and a quarter to our highway system alone in West Virginia.

Mr. HEDRICK. What was the total damage?

Mr. BURNSIDE. It ran into many, many millions. It has not been fully estimated. That was only one flood. There have been three of these floods this year suffered by our people, as the able gentleman from West Virginia realizes.

I wonder though if we fully realize the amount of damage that can be done by floods such as we recently had in West Virginia. Eye witnesses can describe it vividly—houses turned on end, scores of homes broken up like kindling wood, people missing, people camped along the highway. Those who were fortunate enough to get out of the flood often found loved ones missing and their personal property gone.

The floods did more than damage personal property. They tore out bridges and large sections of highways. As I have said, one flash flood alone caused an estimated \$1,250,000 damage to State roads in West Virginia. And the State road commission does not have enough money to repair the damage. Meanwhile, men have difficulty getting to and from work, farmers cannot transport their produce to market, and school children cannot reach their schools.

Passage of the disaster relief bill, H. R. 8396, while not making nearly enough funds available, would be a tremendous help to the States that are trying to recover from the disastrous results of floods and other unavoidable catastrophes. In my opinion, there is a great need for this legislation.

—(Mr. BURNSIDE asked and was given permission to revise and extend his remarks.)

Mr. WHITTINGTON. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. MARSHALL].

(Mr. MARSHALL asked and was given permission to revise and extend his remarks.)

Mr. MARSHALL. Mr. Chairman, this is a progressive piece of legislation. It provides the means for taking care of people and damage to facilities when they occur. It is in the interest of economy. I can think of many, many places in the United States where some catastrophe or calamity could happen which might disrupt the local governments to such an extent that they would need outside assistance. That is particularly true in areas where the taxable resources are such, and the valuations of property are such that they are having a difficult time to obtain revenue.

In my particular district we could do much to prevent that sort of thing with a proper flood-control program. And the great Committee on Public Works several years ago saw fit to put into law an act to authorize construction of a project at Aitkin, Minn., on the Mississippi River that would have helped the situation. To date, that has not been completed

because of the delay in obtaining an appropriation. This year alone the cost of damage in that area exceeded what the appropriation would have been for the correction of that problem. That is how serious it was in one single, solitary year.

To give you a quick, clear picture of the great damage caused by the spring floods, you may be interested in some of the estimated damages in Aitkin County alone. This area suffered most with a total of 179 square miles under water. The estimated damage to county roads, bridges, and culverts is \$207,000. The damage to township roads is estimated at \$126,532. Street, power house, water, and sewer damage in Aitkin village was estimated at \$56,300. Therefore, damage to public property and utilities alone amount to almost \$390,000.

In addition to this there was about \$1,500,000 damage to private property including farms, homes, and places of business. These figures indicate the tremendous problem the people of this area face. Certainly their own meager tax resources cannot begin to reconstruct and repair all of the damage done in addition to facing the cost of restoring their personal property. This was one of the worst disasters to hit this county since it was settled and the farmers and townspeople did make heroic efforts to do the best they could.

In another case in my district, the Pine County board of commissioners informs me that the heavy floods have caused damage to county, town, and village roads estimated at \$79,387. Local funds are entirely insufficient to repair the bridges, culverts, and roads necessary to everyday life in such rural areas.

In Cass County, Minn., the damage and destruction to public property amounts to \$75,000. Again, this involves largely county and township roads and bridges. Most of these are farm-to-market roads upon which the farmers must depend for transportation of their products. In Kanabec County, Minn., the damage is estimated at \$48,000. The small tax base of these counties makes it impossible to meet such huge disasters on a large scale.

I therefore hope this Congress will see fit to pass legislation giving Federal assistance to the local units of government in these disaster areas. Only if the Federal Government works closely with these local governments can this Federal assistance be utilized with the most efficiency and the most economy. Local people know local problems best and can best cooperate with the Federal Government.

I have visited the disaster areas and have personally witnessed the great hardship suffered by the people whose homes were under water and whose crop lands were flooded. I assure you that these people merit our help in a spirit of willing cooperation.

Mr. Chairman, I want to pay my particular respects to the Committee on Public Works. That committee was very courteous and very attentive when we appeared before them and they have a very good conception of our entire problem. I think they deserve much

credit and many compliments for bringing out this fine piece of legislation.

Now, we have a vehicle where the President can go in with this disaster money to take care of these disasters when they occur, thereby relieving human suffering, taking care of health problems, feeding of livestock, repairing communications and transportation systems and so forth.

Mr. DONDERO. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. ANGELL].

Mr. ANGELL. Mr. Chairman, as a member of the committee I am very glad indeed to give my approval to this bill. As you have ascertained, those of you who are not on the committee, this is not a bill to take care of all the disaster relief which may be necessary. It does not supplant any disaster relief which is now available through the States or the Red Cross and other agencies, but it does set up a program and the machinery by legislative enactment by which the Government can step in in an emergency immediately and give some additional relief.

For instance, in my own district a great flood took place in the Columbia River last year and there was over \$100,000,000 in damage and 50 people lost their lives. This bill, of course, would not give relief in a case like that, except for some emergency relief whereby the Federal Government could step in, in addition to the agencies now existing, such as State and local agencies, and give some additional relief.

Of course, this bill is only an authorization, and it carries a limitation of \$5,000,000. Before any of that will be available it will have to be appropriated. It does not restrict the Federal Government in any of the activities which it heretofore has taken part in, but, as has been very clearly shown on the floor, it sets up the machinery and the method by which the Federal Government, through the President, can step in in a great catastrophe where emergency relief is necessary and give some additional relief besides what the already existing agencies give. As pointed out by the Committee on Public Works, this bill will cover disasters occurring anywhere in the entire country, instead of a particular State or locality.

The purpose of the bill is to provide for an orderly and continuing method of rendering assistance to the States and local governments in alleviating suffering and damage resulting from a major peacetime disaster and in restoring public facilities and in supplementing whatever aid the State or local governments can render themselves. Also, it authorizes the President to coordinate the activities of all Federal agencies in such an emergency. In the past appropriations to the President have been made for relief from floods and snowstorms in particular areas without authorization, and hence this bill is not novel legislation. This bill provides a framework for the Federal Government under which prompt action can be taken in meeting the needs of stricken areas, and it will establish a general Government policy in respect to emergency relief in all future

disasters, instead of meeting the problem after it occurs.

(Mr. ANGELL asked and was given permission to revise and extend his remarks.)

Mr. DONDERO. Mr. Chairman, I have no further requests for time.

Mr. WHITTINGTON. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That it is the intent of Congress to provide an orderly and continuing means of assistance by the Federal Government to States and local governments in carrying out their responsibilities to alleviate suffering and damage resulting from major disasters, to restore essential public facilities in major disasters, and to foster the development of such State and local organizations and plans to cope with major disasters as may be necessary.

Mr. WHITTINGTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITTINGTON: Section 1, page 1, line 7, strike out the word "restore" and insert in lieu thereof "repair."

Mr. WHITTINGTON. Mr. Chairman, I have conferred with members of both the majority and minority of the committee, and I believe the amendment is entirely satisfactory to the committee.

Mr. HAGEN. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield.

Mr. HAGEN. Does that mean they could restore a bridge as well as repair it? If a county did not have the money to restore a bridge, you would not prevent their repairing it?

Mr. WHITTINGTON. This does not make any change in any respect in the funds to be appropriated under this bill. The term in section 3 is "repair." The amendment makes section 1 agree with the repairs authorized in section 3.

Mr. HAGEN. But a bridge could be repaired and rebuilt on an emergency basis.

Mr. WHITTINGTON. They still would have authority to do in repair just what they have been doing under the President's emergency appropriation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. WHITTINGTON].

The amendment was agreed to.

Mr. BYRNES of Wisconsin. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, as I have listened to the debate on this legislation thus far, it has been difficult for me to realize that in the other body at this time legislation is pending reimposing all of the wartime taxes on individuals and corporations; that even with that action there is going to be a terrific indebtedness and deficit as far as the fiscal operation of this Government is concerned.

As I have listened to the debate, I have found it difficult to realize that an excess-profits tax will be imposed very shortly. I certainly think that is going to be done and should be done. I find it difficult to realize that we are also talking about wage freezes,

and we are talking about all kinds of things whereby people must tighten up their belts, not just one notch but several notches. From the tenor of the debate on this bill, I find it difficult to realize that today this country is in a war. I just wonder the extent to which we in the Congress are willing to go in giving the impression that we can still operate on a "business as usual" basis. This legislation certainly is "business as usual." Certainly, the Federal Government has responsibilities in certain areas in case of disaster, when local facilities simply cannot meet the burden that is placed upon them. But is it not satisfactory to handle those operations as we have done it in the past? The Congress can always take necessary action to give whatever aid is in keeping with the situation that exists in the disaster area. It seems to me that we are asking in this legislation to remove the responsibility for taking care of these emergency situations from the local communities, from the States, and moving it here to Washington, moving it at a time when the responsibilities of the Federal Government are so awfully and terribly great.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield.

Mr. KEATING. I share entirely the views that the gentleman is expressing here.

The objection is made to the suggestion that we meet each situation as it arises, that something may come up where there is not time to meet it. It seems to me that the answer to that, at least one answer to it, is that the President has a large discretionary fund which he can use to meet some sudden disaster. Always the Congress has been ready to step into the great tragedies in the West, in time of great storms and in the terrible explosion disaster in Texas, and in other instances.

Mr. BYRNES of Wisconsin. And we did give aid.

Mr. KEATING. We did. The Congress of the United States has always been ready to help in case of great disaster. But why should we set up an additional kitty for the President to pass out any time he sees fit, here, there, or yonder, without any satisfactory standards aside from doing all these things in specific instances?

Mr. BYRNES of Wisconsin. I appreciate the comments of the gentleman from New York.

It just seems to me that this is no time to make a shift in policy and to establish as a basic policy that the alleviation of trouble in these disaster areas is going to be a basic responsibility of the Federal Government. If there is one overriding responsibility of the Federal Government it is the prosecution of the present war to a successful conclusion, and the responsibility of keeping our economic and military and defense facilities in an impregnable position. You cannot do those things if you are going to continue to add and adopt new responsibilities for the Federal Government that are not directly related to that one basic responsibility.

Mr. MARSHALL. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield.

Mr. MARSHALL. On page 2 of the bill is a provision for the relief of major disaster or other catastrophe in any part of the United States. That could very easily be the vehicle that we might have to take care of damage done by bombs.

Mr. BYRNES of Wisconsin. The bill does not even mention disaster as the result of enemy action.

Mr. MARSHALL. It reads "Any other catastrophe."

Mr. BYRNES of Wisconsin. It seems to me that if the gentleman is worried about enemy action we should take care of it by legislation designed specifically for that purpose. We should also provide by legislation for war risk insurance.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MARSHALL. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MARSHALL. I would also say to the gentleman from Wisconsin that in the western area where winter before last we had this terrific storm and the livestock suffered much and where there was so much human suffering that funds were taken from the President's disaster fund to take care of that. That supplied temporary relief. The people appreciate the generosity of Congress in helping out. So in view of that experience this legislation is much needed and is timely. The \$5,000,000 provided is insignificant, as I think the gentleman from Wisconsin will agree.

Mr. BYRNES of Wisconsin. I do not think that this represents all that is going to be spent. This just establishes the principle, this is just a beginning. It will be like every other new Government program; it will grow, and grow, and grow. Five or 10 years from now it will be \$25,000,000 instead of five.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield.

Mr. COX. I wish to express personal regret for having spoken a word favorable to the adoption of the pending bill in offering the rule. Upon further reflection I am convinced that the position that the gentleman takes is sound, that this is no time to be coming in with this kind of legislation. The whole thing ought to be thrown out.

Mr. BYRNES of Wisconsin. I appreciate the statement of the gentleman from Georgia. It seems to me this is a matter that could and very well should be put off until we return to something more nearly approaching a normal condition.

Mr. COX. It is simply a standing invitation for people to come in and take Government money.

Mr. KUNKEL. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield.

Mr. KUNKEL. One of the things that worries me about the pending legislation

is this: If it is once made permanent, then you will get away from emergency relief and you will begin adding new functions. The next thing you know we will have a bureau, and that bureau will come up here wanting more and more functions given to it.

Mr. BYRNES of Wisconsin. Mr. Chairman, I repeat: This legislation might be appropriate in normal times. I insist, however, that these are not normal times. This country is at war. We have a great and terrifying responsibility. Our people are being asked to make many sacrifices. This Congress should set an example by refusing to embark on any new programs which enlarge the responsibility of the Federal Government. We should cut back present programs that do not relate to the security of the country. We certainly should not start any new ones. I trust that this House will adopt such a policy and turn down this bill.

(Mr. BYRNES of Wisconsin asked and was given permission to revise and extend his remarks.)

Mr. H. CARL ANDERSEN. Mr. Chairman, I move to strike out the last two words.

(Mr. H. CARL ANDERSEN asked and was given permission to revise and extend his remarks.)

Mr. H. CARL ANDERSEN. Mr. Chairman, I do not think many Members of the House will accuse me of being prodigal with the people's money. This last week, I was instrumental in saving \$200,000 in connection with one bill that appeared on the Consent Calendar. I mention that as an indication of my attitude on spending.

I am wondering, however, what the attitude of some of these gentlemen who oppose this bill at the present time was when the huge \$3,300,000,000 appropriation for foreign countries under ECA was before the House? Here we are asking only \$5,000,000, 1 part in 660 of that amount, to establish an emergency fund for our own people against disasters affecting our own people.

Mr. McGREGOR. Mr. Chairman, will the gentleman yield?

Mr. H. CARL ANDERSEN. I yield to the gentleman from Ohio.

Mr. McGREGOR. Is it not true that a portion, a large portion, of that ECA fund was given to the European people and the European nations for the very things we are asking for in this Nation?

Mr. H. CARL ANDERSEN. The gentleman is absolutely correct. Furthermore, we in the Congress did not screen nearly as closely those hundreds of millions of dollars that were put up for ECA as we have seen fit to screen this particular measure. I think that the committee has done a fair job. My only criticism is that it has not gone far enough in this very much needed cushion against disasters anywhere in our own Nation.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. H. CARL ANDERSEN. I yield to the gentleman from Michigan.

Mr. DONDERO. I want to recall the fact that there is a \$10,000,000 fund in the road bill providing for emergencies

in case a flood washes out a road or bridge. There is also \$10,000,000 in the rivers and harbors bill to take care of damage.

Mr. H. CARL ANDERSEN. I understand that. I think the committee is to be commended for what they have done in the past. This is supplemental to all those other acts, especially as to human relief.

Mr. DONDERO. Except it applies for immediate first-aid relief to the human being.

Mr. H. CARL ANDERSEN. Mr. Chairman, I want to protest against the attitude of some of my good friends here who in their desire to achieve economy, and God knows I am with them on that, perhaps go a little too far. I plead, Mr. Chairman, let us pass this bill and try to do some good for our own people in a small measure compared to the many billions we have poured out in humanitarian measures abroad.

Mr. HAGEN. Mr. Chairman, will the gentleman yield?

Mr. H. CARL ANDERSEN. I yield to the gentleman from Minnesota.

Mr. HAGEN. This bill also covers bombing of cities like New York and Washington. If those cities were bombed a bill of this kind would cover a situation of that nature?

Mr. H. CARL ANDERSEN. Why, certainly; in my opinion it could cover any calamity our people suffer.

Mr. HAGEN. It would cover the preservation of Federal property in any place in the country.

Mr. H. CARL ANDERSEN. Keep in mind the little story I told you previously. A lot of you gentlemen came before our Subcommittee on Appropriations and pleaded for four or five million dollars for reforesting our own forest areas. We had to cut that down to a certain extent, yet for that very same purpose under ECA Italy alone received seven times that amount of the taxpayers' money of America in two short years' time.

Mr. KUNKEL. Mr. Chairman, will the gentleman yield?

Mr. H. CARL ANDERSEN. I yield to the gentleman from Pennsylvania.

Mr. KUNKEL. Is it seriously contended that in case of an atomic-bomb explosion or any bomb explosion that the military would not have the full power to step in and take care of the human needs at the time and that it is necessary in order to meet a disaster of that nature to have supplemental stand-by power of \$5,000,000 in order for the Army and the Navy and all of those forces of the United States to be ready and able to do all that they can do under such a situation?

Mr. H. CARL ANDERSEN. I certainly do not contend anything of that sort. This \$5,000,000 fund, however, is ready for use at any time the President decides it is the proper time to do so, in view of the occurrence of a calamity, large or small.

Mr. WHITTINGTON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I hesitate to detain the committee. The Committee on Public Works has done its best to promote economy that has been suggested by a good many Members in this debate, and to

make that economy effective. I have a list of the emergency measures that have been passed commencing with 1805. We have passed them for communities that were blown away by cyclones; we passed them for Tokyo when there was a great earthquake over there some years ago. I pointed out that we passed and appropriated \$3,250,000 in the last 2 years without a definite yardstick or guide, without any coordination of the Federal activities. This committee has put every possible safeguard in the bill. We have limited the total amount of \$5,000,000. Instead of coming here now following a catastrophe for an emergency appropriation, without any previous authorization, we have laid down a plan and we have adopted a policy; we have tried to protect the Federal Treasury. We have appropriated that \$3,250,000 in the last 2 years because there was not a single objection. If an objection had been made to the legislation it would have been subject to a point of order. We have been doing that now since 1805, according to a list that the gentleman from Minnesota [Mr. HAGEN] has stated he is going to put in the RECORD, a copy of which I have in my files.

Now is it not the part of wisdom, will it not promote efficiency to provide here a program and a policy to come to the aid of stricken areas blown away by tornadoes or earthquakes when the governor certifies that those people are unable to help themselves and that the States are unable to help them completely? For 145 years we have done it by unanimous consent. We have made mistakes. The President has recommended substantive legislation. We referred it to the Bureau of the Budget and to all the Government agencies interested. Without a single exception they report unanimously in favor of the passage of this bill, with one proviso, and that is when we restrict this legislation to \$5,000,000, everyone of the agencies, without exception, have objected. Now then, in order to provide for our own people during the war, and to provide for them sensibly, to give them first aid, to protect life, to provide for health, we say to the President of the United States that we will authorize over a period of years with proper limitation a total of \$5,000,000, and we say, sir, that it cannot be used unless it is absolutely necessary upon the request of the governors of the States, and that it cannot be used until appropriated by the Congress.

These tornadoes often come when Congress is not in session. There ought to be a reasonable fund for first aid in addition to the aid that is provided by the Red Cross which only the Great Father of us all, the Government of the United States can provide. And, I say to the gentlemen who object to this legislation, what permanent legislation to protect the Treasury of the United States as we give aid and provide first aid do you suggest? Our committee has thought about it not once but day after day. We conducted extensive hearings; we heard all of the departments of Government; we adopted safeguards here to protect the Treasury and to prevent improper appropriations. In the snow-

bound area the States themselves spent over \$12,000,000. The Federal Government appropriated to the Department of the Army over \$12,000,000 and to the Department of the Interior \$2,000,000 for repair and restoration, as well as our contribution. Why? Because under the indefinite language of these emergency appropriations there was no yardstick saying that the President of the United States must approve those repairs and must approve the restoration of the property. I say that this legislation is constructive. It will protect what we have been trying to do, to aid human suffering in a reasonable and efficient manner and reduce the appropriations we have been making such purposes—

Mr. REES. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from Kansas.

Mr. REES. The gentleman stated that the agencies had one serious objection to this legislation.

Mr. WHITTINGTON. I did. I said that the ceiling we put on of \$5,000,000 here was for an indefinite period, an indeterminate time.

Mr. REES. What would the agencies do for a ceiling?

Mr. WHITTINGTON. They would leave it just as the bill was introduced without any limitation at all.

Mr. REES. Leave it wide open?

Mr. WHITTINGTON. Yes.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. KEATING. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KEATING. If the gentleman will yield, it seems to me that the essential difference between the way we have been handling this and the way it is proposed to handle it under the terms of this measure is that heretofore Congress has passed upon the need for the funds, but under this it is left entirely to the Executive to say whether the disaster threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government.

Mr. WHITTINGTON. That is a fair question. That is a fair sample of the objections to the bill. That is exactly what we have done. I stated in the beginning of my discussion of this bill that we had implemented in this bill and we have included limitations in our provisions not contained in most appropriations, aggregating \$3,250,000. Congress did not appropriate money for a township or a State. The Congress appropriated that money to the President just as we would authorize it. The President in turn designated the General Services Administration and the Federal Works Agency to handle that fund.

In those appropriations we said that the Federal agencies are authorized to aid. They did aid. They did not have to have the direction of the President. We have undertaken to protect the Federal Treasury here by an amendment we

will offer saying that they will use Federal facilities, they will come to the rescue only when directed by the President. There has never been any limitation of that kind in a single one of the Emergency Appropriation Acts passed, because the chairman of the committee would ask unanimous consent for the consideration of the bill. Not a man or woman in this Congress objected to the relief of the snowbound people or objected to the relief of the flood sufferers. The limitations on the handling of those funds were not as stringent as the limitations imposed in this bill.

Mr. KEATING. The effect of this is to add \$5,000,000 to the President's discretionary fund?

Mr. WHITTINGTON. It is not. It authorizes \$5,000,000 to be expended over a period of 5, 10, or 20 years, when we have appropriated \$3,250,000 in the past 2 years.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. KUNKEL. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KUNKEL. If the gentleman will yield, did I understand him to say that the present situation has been operated with reasonable satisfaction since 1805?

Mr. WHITTINGTON. I did not say that. I said that we ought to profit by the inefficient provisions of emergency appropriations. Specifically called attention to the last five acts that have been passed in the last 2 years, wherein that money that was appropriated to the President contained a provision in the appropriation that all Federal agencies in that area are authorized to aid. As a result of that, without a prerequisite authority requiring the President to call them into action, we paid bills here for the snow-bound States of \$15,000,000. In my judgment, the terms of this bill which provide that those agencies can respond only when requested by the governors and directed by the President, and that they have to come to Congress to obtain sufficient funds to repair the tractors they use or the bulldozers they use, indicate that the agencies and the Treasury will be protected by the terms of this bill.

Mr. KUNKEL. If you do not set up a separate agency or some kind of office or administrator in the Office of the President to administer this act, if he is not to come in one of the different Government agencies, how are you going to operate? It seems to me that is the basic theory of this bill—that it contemplates at least at some time in the future a new Government agency.

Mr. WHITTINGTON. It does not. On the contrary it specifically, as the gentleman from Michigan [Mr. DONDERO] stated, authorizes no additional agency. It provides for the utilization of existing agencies and for the utilization of existing Federal employees. It specifically authorizes the President to

designate the Federal agency to handle the administration of this fund and provide for coordination. We further provide that if the funds are not used during the year in which they are appropriated, they shall be returned to the President. There is every protection for the Treasury of the United States, that was suggested, or occurred, to the committee.

Mr. KUNKEL. That is exactly the way you said it was done in the past, back to the year 1805.

Mr. WHITTINGTON. It is not, and I did not so state. I said appropriations, without a policy or previous authorization with appropriate limitations had been made since 1805. In most cases they were donations, as I recall. It will perfect the provisions which have been put in the emergency appropriations for the past 2 years and which are inadequate. This bill will protect the Treasury.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WHITTINGTON. Mr. Chairman, after conferring with the gentleman from Michigan [Mr. DONDERO], I ask unanimous consent that the remainder of the bill be considered as read and printed in the RECORD at this point, and that amendments may be in order to the various sections, beginning with section 2, consecutively.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

(The remainder of the bill is as follows:)

SEC. 2. As used in this act, the following terms shall be construed as follows unless a contrary intent appears from the context:

(a) "Major disaster" means any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe in any part of the United States which, in the determination of the President, is, or threatens to be, of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States and local governments in alleviating the damage, hardship, or suffering caused thereby, and respecting which the Governor of any State (or the Board of Commissioners of the District of Columbia) in which such catastrophe may occur or threaten certifies the need for disaster assistance under this act;

(b) "United States" includes the District of Columbia, Alaska, Hawaii, Puerto Rico, and the Virgin Islands;

(c) "State" means any State in the United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands;

(d) "Governor" means the chief executive of any State;

(e) "Local government" means any county, city, village, town, district, or other political subdivision of any State, or the District of Columbia;

(f) "Federal agency" means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government, excepting, however, the American National Red Cross.

SEC. 3. In any major disaster, Federal agencies are hereby authorized to provide assistance (a) by utilizing or lending, with or without compensation therefor, to States and local governments their equipment, supplies, facilities, personnel, and other resources, other than the extension of credit under the authority of any act; (b) by dis-

tributing, through the American National Red Cross or otherwise, medicine, food, and other consumable supplies; (c) by donating to States and local governments equipment and supplies determined under then existing law to be surplus to the needs and responsibilities of the Federal Government; and (d) by performing on public or private lands protective and other work essential for the preservation of life and property, clearing debris and wreckage, making emergency repairs to and temporary replacements of public facilities of local governments damaged or destroyed in such major disaster, and making contributions to States and local governments for the above-stated purposes. The authority conferred by this act, and any funds provided hereunder, shall be supplementary to, and not in substitution for, nor in limitation of, any other authority conferred or funds provided under any other law.

SEC. 4. In providing such assistance hereunder, Federal agencies shall cooperate to the fullest extent possible with each other and with States and local governments, relief agencies, and the American National Red Cross, but nothing contained in this act shall be construed to limit or in any way affect the responsibilities of the American National Red Cross under the act approved January 5, 1905 (33 Stat. 599), as amended.

SEC. 5. (a) In the interest of providing maximum mobilization of Federal assistance under this act, the President is authorized to coordinate in such manner as he may determine the activities of Federal agencies in providing disaster assistance. The President may direct any Federal agency to utilize its available personnel, equipment, supplies, facilities, and other resources, in accordance with the authority herein contained.

(b) The President may, from time to time, prescribe such rules and regulations as may be necessary and proper to carry out any of the provisions of this act, and he may exercise any power or authority conferred on him by any section of this act either directly or through such agency as he may designate.

SEC. 6. In any major disaster the President is authorized to make grants of funds to local governments for restoring, reconstructing, or replacing their public facilities damaged or destroyed in such major disaster. Such grants shall not exceed 50 percent of the estimated cost, as determined by the President, of the restoration, reconstruction, or replacement of such public facilities without enlargement of service capacity or other betterment, excepting that the grant may exceed 50 percent of such estimated cost in the case of a local government with respect to which the President specifically finds and declares that the damage to public facilities resulting from such major disaster is of such magnitude and extent that the fiscal resources of the local government are insufficient to defray 50 percent of such cost: Provided, however, That in determining the fiscal resources of the local government consideration shall be given to (1) the extent and probable duration of any impairment of the taxing base and borrowing authority of the local government as a result of the major disaster, (2) the existing or prospective availability of aid from State and other sources, and (3) the eligibility of the particular local government project for Federal financial assistance under other law. Grants made under this section may be used to enable the recipient thereof to qualify for other Federal financial assistance which is conditioned upon State or local participation in financing the work.

SEC. 7. If facilities owned by the United States are damaged or destroyed in any major disaster and the Federal agency having jurisdiction thereof lacks the authority or an appropriation to repair, reconstruct, or restore such facilities, such Federal agency is hereby authorized to repair, reconstruct, or restore such facilities to the extent neces-

sary to place them in a reasonably usable condition and to use therefor any available funds not otherwise immediately required: Provided, however, That the President shall first determine that the repair, reconstruction, or restoration is of such importance and urgency that it cannot reasonably be deferred pending the enactment of specific authorizing legislation or the making of an appropriation therefor. If sufficient funds are not available to such Federal agency for use in repairing, reconstructing, or restoring such facilities as above provided, the President is authorized to transfer to such Federal agency funds made available under this act in such amount as he may determine to be warranted in the circumstances. Such repair, reconstruction, or restoration may be performed without regard to section 3709 of the Revised Statutes. There is hereby authorized to be appropriated to any Federal agency repairing, reconstructing, or restoring facilities under authority of this section such sum or sums as may be necessary to reimburse appropriated funds to the amount expended therefrom.

SEC. 8. In carrying out the purposes of this act any Federal agency is authorized to accept and utilize, with the consent of any State or local government, the services and facilities of such State or local government, or of any agencies, officers, or employees thereof. Any Federal agency, in performing any activities under section 3 of this act, is authorized to employ temporarily additional personnel without regard to the civil-service laws and the Classification Act of 1923, as amended, and to incur obligations on behalf of the United States by contract or otherwise for the acquisition, rental, or hire of equipment, services, materials, and supplies for shipping, drayage, travel, and communication, and for the supervision and administration of such activities. Such obligations, including obligations arising out of the temporary employment of additional personnel, may be incurred by any agency in such amount as may be made available to it by the President out of the funds specified in section 9. The President may, also, out of such funds, reimburse any Federal agency for any of its expenditures under section 3 in connection with a major disaster incurred prior to the President's determination respecting such major disaster, such reimbursement to be in such amounts as the President may deem appropriate. Neither section 3709 of the Revised Statutes (41 U. S. C., sec. 5) nor section 3679 of the Revised Statutes (31 U. S. C., sec. 665) shall be applicable to any action taken pursuant to this section. The provisions of section 607 of the Federal Employees Pay Act of 1945, as amended, shall not be applicable to additional personnel temporarily employed hereunder.

SEC. 9. There are hereby authorized to be appropriated such amounts as may be necessary to carry out the purposes of this act, including necessary administrative expenses.

SEC. 10. The act of July 25, 1947 (Public Law 233, 80th Cong.), entitled "An act to make surplus property available for the alleviation of damage caused by flood or other catastrophe" is hereby repealed.

With the following committee amendment:

On page 2, line 14, strike out the semicolon after the word "act" and insert comma and add: "and shall give assurance of expenditure of a reasonable amount of the funds of the Government of such State, local governments therein, or other agencies, for the same or similar purposes with respect to such catastrophe;"

Mr. WHITTINGTON. Mr. Chairman, as I stated, that language occurred for the first time in the emergency acts of the last 2 years and not as the gentleman

from Pennsylvania [Mr. KUNKEL] says, beginning with 1805. Funds were simply appropriated or donated to the city, State, or county, with no or inadequate limitations to protect the Federal Treasury. We added the language here that the request would have to be made by the governors of the States. I believe that that is in order and that it will be a limitation, and should be a protection to the Federal Treasury.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield.

Mr. KEATING. So far as the amendment serves to protect the Federal Treasury, I certainly am in entire accord with it. But has the gentleman's committee given consideration to wording it so that the States or communities may put up at least a specified percentage rather than simply a reasonable amount which again, I take it, reverts back to the situation where it is determined by the President in each instance?

Mr. WHITTINGTON. I think I have answered the gentleman's question. He has repeated the same question he previously asked. I showed, by figures that I have in my hand, that the Congress appropriated about \$15,000,000 in the snowbound fight for facilities and for repairing equipment used by Government agencies and at the same time I have figures here before me, that the Federal agencies report that the States, counties, and municipalities spent something over \$12,000,000 for their own relief. It strikes me that when there has been such an administration of this program whereby it has cost the Federal Government \$15,000,000, and local communities \$12,000,000 the bill is in order. Under all the circumstances when it is understood that some city may be able to pay or some State which is great and large may be able to pay, and another might not, the provision of the bill is in order. Therefore, I believe under such circumstances, when we consider a total appropriation of \$5,000,000 for relief of a major disaster which might strike any of our 150,000,000 people at some point, that this bill is indeed an economy.

Mr. KEATING. In that case, of course, we would not stop at \$5,000,000. None of us would stop at \$5,000,000; as the gentleman from Wisconsin said, \$5,000,000 is just a starter. If a major disaster struck this Nation, such as an atomic explosion or something of that kind, the Congress of the United States would be the first to be on the spot to alleviate any suffering in such a situation as that.

Mr. WHITTINGTON. My judgment is that your argument for economy will be promoted by adopting the method in the bill by which the appropriations may be expended and those provisions under which the Federal agencies may come back to Congress for reimbursement, in the pending bill. Those have not obtained in the emergency appropriations of the past 2 years.

Mr. KEATING. But is there any State or community which could not at least meet some minimum standard, rather than having this entirely general language that we are asked to pass upon, that they put up a reasonable amount?

Mr. WHITTINGTON. I think we can trust the President. We give him \$5,000,000 for this purpose. We gave him a \$100,000,000 time after time during the war. I believe the bill provides the better way to handle emergency relief. I am not going to undertake to pass on the percentage of cooperation by each State that is going to be required. The provision should be flexible.

Mr. KUNKEL. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield.

Mr. KUNKEL. I think the real answer to the question raised by the gentleman from New York [Mr. KEATING]—and I am very much worried about some aspects of the bill—but it seems to me the definite answer to that is that this is a case of prompt action in a big disaster, and you would not have time to get any authoritative action by a State body.

Mr. WHITTINGTON. Governor Duff of Pennsylvania would not wait. He would not have to call his legislature into session. This bill provides for the Governor of the State and the President of the United States to cooperate.

Mr. KUNKEL. Any action which would require a definite contribution by the State, then, would have to have some kind of action by the State legislature, and by that time enough time would have elapsed so that you could not meet the requirement.

Mr. WHITTINGTON. If you do not want to give them relief, the Government cannot undertake to cooperate and they could not get it, unless the governor gives the assurances provided.

Mr. KUNKEL. I was trying to answer the argument of the gentleman from New York.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WHITTINGTON. Mr. Chairman, I ask unanimous consent that I may proceed for two additional minutes. I am afraid I did not understand the gentleman's last statement. I do not want to be misunderstood.

Mr. KUNKEL. What I said was that in my judgment the real answer to the statement by the gentleman from New York [Mr. KEATING] was that if it were a disaster you would not have time for the State legislature or the State bodies to come in and meet the immediate requirements set down. While I had some reservations about the wisdom of this bill, nevertheless, requirements such as that would defeat his purpose, because the purpose is to deal with an immediate disaster, which requires immediate action by somebody. This would permit the Federal Government to be that "somebody," and the Federal Government would have to step in, whether the State did or not, if the basic assumption of the bill was met.

Mr. WHITTINGTON. I am very grateful to the gentleman for repeating his statement, because I misunderstood him. The committee is in agreement with the intents and provisions for cooperation of the bill as stated by the gentleman from Pennsylvania [Mr. KUNKEL].

Mr. HAGEN. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield.

Mr. HAGEN. Is it not a fact that witnesses testified before your committee to the effect that there are townships and villages in many cases which were not financially able to replace roads or bridges, so that in many cases a parish or a township or a village could not, either because of the disaster supply the money that might be necessary if you provide a definite amount for local cooperation?

Mr. WHITTINGTON. The gentleman is correct, and for that reason, among others, the committee adopted this amendment that we are asking the Committee of the Whole to adopt, because whenever we get into an appropriation there will be some units which cannot make any contribution as they think—the bill provides for workable cooperation, so that the United States and the States may do their respective parts.

Mr. KUNKEL. I thought you said that under the road bill there was \$15,000,000 appropriated for rebuilding roads, and taking care of that situation, and another \$10,000,000 appropriation under the Public Works bill to take care of the two specific circumstances stated.

Mr. WHITTINGTON. What I stated was that there are funds, including aid to Federal-aid highways, including reconstruction of levees, and other flood-control improvements. They do not apply to roads that are not in the Federal-aid highway system. They do not apply to the streets off of the system that are actually destroyed by floods or tornadoes. This first aid would be applicable to those streets, where there is no Federal aid, and where Congress has not otherwise provided for relief.

Mr. KUNKEL. I thank the gentleman.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 22, strike out the words "the above stated" and insert after the word "purposes" the words "stated in subsection (d)."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 4, line 1, after the word "law.", insert the following: "Any funds received by Federal agencies as reimbursement for services or supplies furnished under the authority of this section shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies. The Federal Government shall not be liable for any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Government in carrying out the provisions of this section."

Mr. WHITTINGTON. Mr. Chairman, I rise simply to say that this amendment shows the care which has been given to

this bill. We undertake by the first part of the amendment read to provide that Federal agencies could be reimbursed for funds paid out; that if it were paid out of the President's emergency fund any repayment would be credited to that fund.

We have further provided that if the agencies of the Government make a mistake in the administration of the Disaster Relief Act that the Government may not be sued. Strange as it may seem, there are many suits pending in the Court of Claims today against the Government because of alleged mistakes made in the administration of other relief acts, suits aggregating millions of dollars because citizens have averred that the agencies and employees of Government made mistakes. We have put a stipulation in here that there shall be no liability on the part of the Government.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. WHITTINGTON. Mr. Chairman, after conferring with other members of the committee I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITTINGTON: Page 3, line 6, section 3: After the word "authorized", insert "when directed by the President."

Mr. WHITTINGTON. Mr. Chairman, I think this statement will explain the amendment and the necessity for it: These appropriations that were made in the last 2 years to which I have referred, stated that Federal agencies in these areas were authorized to participate; it was not required that they be directed to participate by the President. To do just what the gentleman from Pennsylvania [Mr. KUNKEL], the gentleman from New York [Mr. KEATING], and the gentleman from Wisconsin [Mr. BYRNES] have mentioned, the committee further to limit and protect the Treasury offers this amendment by inserting this language so that it will read:

In any major disaster, Federal agencies are hereby authorized—

And this is the amendment—
when directed by the President.

This is done in order to protect the Treasury and the people of the United States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The amendment was agreed to.

Mr. WHITTINGTON. Mr. Chairman, I offer an amendment, after conferring with members of the committee.

The Clerk read as follows:

Amendment offered by Mr. WHITTINGTON: Section 5 (b), page 5, line 7, after the word "such", insert the word "Federal."

Mr. WHITTINGTON. Mr. Chairman, if I may be pardoned I think I should be permitted to say on behalf of the committee that to be very sure the President could designate only a Federal agency, as defined in the bill, this amendment is offered. It merely inserts the word "Federal" so that the President would not be authorized to designate a

State or local agency. I think that is a pretty fair sample of the care that the Committee on Public Works exercised in safeguarding the public Treasury in reporting this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. WHITTINGTON].

The amendment was agreed to.

The Clerk read as follows:

Committee amendments: Page 5, line 9, strike out all of section 6.

Page 6, line 12, strike out "7" and insert figure "6".

Page 7, line 4, strike out the entire sentence reading: "Such repair, reconstruction, or restoration may be performed without regard to section 3709 of the Revised Statutes. There" and insert: "If said funds are insufficient for this purpose, there".

Page 7, line 13, strike out "8" and insert "7".

Page 8, line 11, strike out all of line 11 after the words "Neither section 3709" and all of lines 12 to 20, inclusive, and insert the following:

"SEC. 8. There is hereby authorized to be appropriated to the President a sum or sums, not exceeding \$5,000,000 in the aggregate, to carry out the purposes of this act. The President shall transmit to the Congress at the beginning of each regular session a full report covering the expenditure of the amounts so appropriated with the amounts of the allocations to each State under this act. The President may from time to time transmit to the Congress supplemental reports in his discretion, all of which reports shall be referred to the Committees on Appropriations and the Committees on Public Works of the Senate and the House of Representatives."

The committee amendments were agreed to.

Mr. WHITTINGTON. Mr. Chairman, I offer an amendment after conferring with other members of the committee.

The Clerk read as follows:

Amendment offered by Mr. WHITTINGTON: On page 8, line 5, section 7, strike out the figure "9" and insert in lieu thereof the figure "8".

The amendment was agreed to.

Mr. WHITTINGTON. Mr. Chairman, I offer an amendment on behalf of the committee.

The Clerk read as follows:

Amendment offered by Mr. WHITTINGTON: Section 7, page 8, lines 8 and 9, strike out "incurred prior to the President's determination respecting such major disaster."

Mr. WHITTINGTON. Mr. Chairman, a major disaster has to be determined to be such by the President of the United States. When he determines a catastrophe to be a major disaster, there has to be an application by the State; then he will make an allocation if he so desires out of the fund appropriated to him.

The language in the bill as introduced and recommended by the agencies of the Government authorized the Federal agencies to go along without being directed by the President to furnish their facilities. As the bill was introduced and recommended to us, it provided:

The President may, also, out of such funds, reimburse any Federal agency for any of its expenditures under section 3 in connection with a major disaster incurred prior to the President's determination respecting such major disaster, such reimbursement to be in

such amounts as the President may deem appropriate.

The committee amendment would strike "incurred prior to the President's determination respecting such major disaster."

I am sure you will permit me to say that this amendment is another evidence of the care that the committee gave to this bill. We did not want to leave the Federal agencies free to go out and relieve a disaster, then come to the Congress and ask for an appropriation, unless directed by the President. We state that they could only go in at the direction of the President. We deny them any power to be reimbursed if they go in prior to that time, and such is the purpose of this amendment.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 8, line 18, strike out section 9 in its entirety and insert:

"SEC. 8. There is hereby authorized to be appropriated to the President a sum or sums, not exceeding \$5,000,000 in the aggregate, to carry out the purposes of this act. The President shall transmit to the Congress at the beginning of each regular session a full report covering the expenditure of the amounts so appropriated with the amounts of the allocations to each State under this act. The President may from time to time transmit to the Congress supplemental reports in his discretion, all of which reports shall be referred to the Committees on Appropriations and the Committees on Public Works of the Senate and the House of Representatives."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read, as follows:

Committee amendment: Page 9, line 11, strike out "10" and insert "9".

The committee amendment was agreed to.

Mr. WADSWORTH. Mr. Chairman, I move to strike out the last word, and this is for the purpose of asking a question.

I apologize for not knowing all that should be known about this measure, but I call attention to the provision on page 3, commencing in line 5, which reads:

Federal agencies are hereby authorized to provide assistance * * * (b) by distributing, through the American National Red Cross or otherwise, medicine, food, and other consumable supplies.

May I ask the chairman of the committee as to whether or not there has been upon a previous occasion the insertion into the statutes of the United States of a provision to the effect that the American National Red Cross shall be used as an agency of the Government?

Mr. WHITTINGTON. Mr. Chairman, if the gentleman will yield, that is explained, if I may answer the gentleman, on page 4, at the end of section 4:

Nothing contained in this act shall be construed to limit or in any way affect the responsibilities of the American National Red Cross under the act approved January 5, 1905.

Heretofore disaster relief largely has been administered and provided by the American Red Cross, and such will continue. This is not to replace it. Now, if it develops in any case to protect life, as stated in subsection (b) under section 3 that the President would like to have some agency of the Government to furnish this medicine or supply the medicine, the President of the United States might use some agency.

Mr. WADSWORTH. Some agency of the Government, that is different. This means the American National Red Cross. I understand how the President can use an agency of the Government to distribute supplies, but under this provision he can use the American National Red Cross as an independent organization which has never been subjected to Government control.

Mr. WHITTINGTON. I will say this to the gentleman, that the language "distributing, through the American Red Cross or otherwise, medicine, food, and other consumable supplies," as I understand it as a member of the committee, contemplated that in the event there were supplies, that instead of putting the people of the United States to the expense of distributing, if the American National Red Cross were agreeable, under the statutory authority conferred by Congress when it created the Red Cross, the President might avail himself or his designated Federal agency might avail itself of the service of the American National Red Cross. And, to make assurance doubly sure, the Committee on Public Works referred this bill to General Marshall president of the American National Red Cross, and he reported he had no objection to the bill. My judgment is that he is satisfied with that provision of the bill.

Mr. WADSWORTH. Apparently so, but despite my great confidence in the General's judgment, I would like to warn him and other officials of the American National Red Cross, the more Government has to do with it, the less they will be the masters of their own organization.

Mr. WHITTINGTON. As far as the committee is concerned, and speaking for them, we are in agreement with the gentleman. There is no authority to use the Red Cross except as stated, and such is the judgment of the committee.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FERNANDEZ, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 8396) to authorize Federal assistance to States and local governments in major disasters, and for other purposes, pursuant to House Resolution 742, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. KEATING. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. KEATING. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. KEATING moves to recommit the bill to the Committee on Public Lands with instructions to report the same back forthwith with the following amendment: Page 2, line 6, after "President" insert "and the Congress of the United States".

Mr. WHITTINGTON. Mr. Speaker, I make the point of order against the motion to recommit that it is a violation of the rules of the House for the bill to be recommitted to the Committee on Public Lands. The Committee on Public Works has jurisdiction of this bill.

The SPEAKER. The gentleman may recommit it to any committee, as far as that is concerned, but the Committee on Public Lands does not have jurisdiction over legislation of this character.

Mr. KEATING. Mr. Speaker, I ask unanimous consent to change the word "Lands" to "Works."

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. WADSWORTH) there were—aye 7, noes 72.

Mr. BYRNES of Wisconsin. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 25, nays 232, not voting 173, as follows:

[Roll No. 224]

YEAS—25

Aiken, Ill.	Heselton	Rees
Bates, Mass.	Keating	Scrivner
Boggs, Del.	Klburn	Smith, Va.
Burleson	Mahon	Smith, Wis.
Byrnes, Wis.	Meyer	Taber
Cannon	Nicholson	Wadsworth
Cotton	Phillips, Calif.	Wilson, Ind.
Davis, Wis.	Poage	
Eiston	Reed, N. Y.	

NAYS—232

Abernethy	Baring	Bolton, Md.
Addonizio	Battle	Bonner
Aibert	Beail	Bosone
Allen, Calif.	Beckworth	Boykin
Andersen,	Bennett, Fla.	Brambiett
H. Carl	Bennett, Mich.	Breen
Anderson, Calif.	Bentsen	Brooks
Andrews	Biemiller	Brown, Ga.
Angell	Bishop	Brown, Ohio
Aspinali	Blackney	Bryson
Auchincloss	Biatnik	Buchanan
Barden	Bolling	Buckley, Ill.

Burdick	Howell	Patman
Burnside	Huber	Peterson
Camp	Hull	Philbin
Cariyie	Irlng	Pickett
Carnahan	Jackson, Wash.	Polk
Carroil	Jacobs	Potter
Case, S. Dak.	Jensen	Preston
Celler	Jonas	Price
Chesney	Jones, Ala.	Priest
Clevenger	Judd	Rabaut
Coie, Kans.	Karst	Rains
Combs	Karsten	Rankin
Cookey	Kearney	Redden
Cooper	Kearns	Reed, Ill.
Cox	Kee	Rhodes
Crook	Kerr	Robeson
Crosster	Kilday	Rodino
Cunningham	King	Rogers, Fla.
Curtis	Kirwan	Rooney
Dague	Kunkel	Sasscer
Davis, Tenn.	Lanham	Saylor
Dawson	Larcade	Secrest
Deane	LeCompte	Shafer
DeGraffenreld	Lind	Sheppard
D'Ewart	Lovre	Sikes
Dondero	Lucas	Simpson, Ill.
Doyle	Lynch	Sims
Elliott	McCarthy	Staggers
Ellsworth	McConnell	Steed
Evins	McCormack	Stefan
Feighan	McDonough	Stiger
Fernandez	McGregor	Sullivan
Fisher	McGuire	Sutton
Flood	McKinnon	Tackett
Forand	McMillian, S. C.	Taile
Ford	McSweeney	Tauriello
Fugate	Mack, Ill.	Teague
Garmatz	Mack, Wash.	Thomas
Gary	Madden	Thompson
Gathings	Mansfield	Thornberry
Gavin	Marsalis	Tolieson
Gilmer	Marshall	Trimble
Gordon	Martin, Iowa	Van Zandt
Gore	Merrow	Velde
Graham	Michener	Vinson
Granger	Miles	Vurseil
Grant	Milier, Callf.	Wagner
Gross	Millis	Walsh
Hagen	Mitchell	Walter
Halleck	Monroney	Welch
Harden	Morris	Werdel
Hardy	Moulder	White, Callf.
Hart	Multer	Whitten
Harvey	Murdock	Whittington
Havener	Murray, Tenn.	Wickersham
Hébert	Nixon	Wier
Hedrick	Noiland	Wilson, Okla.
Hill	Norblad	Wiison, Tex.
Hobbs	Norrell	Withrow
Hoeven	O'Brien, Ill.	Wolcott
Hoffman, Ill.	O'Hara, Ill.	Wolverton
Hoffman, Mich.	O'Hara, Minn.	Woodruff
Hoilfield	O'Konski	Yates
Holmes	O'Sullivan	Young
Hope	O'Toole	Zablocki
Horan	Passman	

NOT VOTING—173

Abbitt	Denton	Hand
Allen, La.	Dingell	Hare
Andresen,	Doilinger	Harris
August H.	Doiliver	Harrison
Arends	Donohue	Hays, Ark.
Bailey	Doughton	Hays, Ohio
Barrett, Pa.	Douglas	Heffernan
Barrett, Wyo.	Durham	Heiler
Bates, Ky.	Eaton	Herlong
Boggs, La.	Eberhardt	Hertler
Bolton, Ohio	Engel, Mich.	Hinshaw
Brehm	Engle, Calif.	Jackson, Callf.
Buckley, N. Y.	Fallon	James
Bulwinkle	Felows	Javits
Burke	Fenton	Jenison
Burton	Fogarty	Jenkins
Byrne, N. Y.	Frazier	Jennings
Canfield	Fulton	Johnson
Case, N. J.	Furcoio	Jones, Mo.
Cavalcante	Gamble	Jones, N. C.
Chatham	Gilette	Kean
Cheif	Golden	Keefe
Shipperfield	Goodwin	Kelley, Pa.
Christophier	Gorski	Kelly, N. Y.
Chudoff	Gossett	Kennedy
Clemente	Granahan	Keogh
Cole, N. Y.	Green	Klein
Colmer	Gregory	Kruse
Corbett	Guill	Lane
Coudert	Gwynn	Latham
Crawford	Hale	LeFevre
Davenport	Hall,	Lichtenwalte
Davies, N. Y.	Edwin Arthur	Linehan
Davis, Ga.	Ha'l,	Lodge
Delaney	Leonard W.	Lye

McCulloch	Pfeiffer,	Shelley
McGrath	William L.	Short
McMillen, Ill.	Phillips, Tenn.	Simpson, Pa.
Macy	Plumley	Smathers
Magee	Poulson	Smith, Kans.
Marcantonio	Powell	Smith, Ohio
Martin, Mass.	Quinn	Spence
Mason	Ramsay	Stanley
Miller, Md.	Regan	Stockman
Miller, Nebr.	Ribicoff	Taylor
Morgan	Rich	Towe
Morrison	Richards	Underwood
Morton	Riehlman	Vorys
Murphy	Rivers	Weichel
Murray, Wis.	Rogers, Mass.	Wheeler
Nelson	Roosevelt	Whitaker
Norton	Sabath	White, Idaho
O'Brien, Mich.	Sadlak	Widnall
O'Neill	Sadowski	Wigglesworth
Pace	St. George	Williams
Patten	Sanborn	Willis
Patterson	Scott, Hardie	Winstead
Perkins	Scott,	Wood
Pfeifer,	Hugh D., Jr.	Woodhouse
Joseph L.	Scudder	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

General pairs until further notice:

Mr. Joseph L. Pfeifer with Mr. Simpson of Pennsylvania.

Mr. Magee with Mr. Taylor.

Mr. Morrison with Mr. LeFevre.

Mr. Keogh with Mr. Macy.

Mr. Murphy with Mr. Towe.

Mr. Roosevelt with Mr. Short.

Mr. Fallon with Mr. Eaton.

Mr. Perkins with Mr. Coudert.

Mr. Klein with Mr. Case of New Jersey.

Mr. Harrison with Mr. Brehm.

Mr. Clemente with Mr. Arends.

Mr. Delaney with Mr. Fulton.

Mr. Heffernan with Mr. Fenton.

Mr. Creem with Mr. Gillette.

Mr. Dingell with Mr. Herter.

Mr. McGrath with Mr. Hinshaw.

Mrs. Kelly of New York with Mr. Jackson of California.

Mr. O'Brien of Michigan with Mr. Wigglesworth.

Mr. Powell with Mr. Hardie Scott.

Mr. Buckley of New York with Mrs. Rogers of Massachusetts.

Mr. Heller with Mr. Kean.

Mr. Dollinger with Mr. James.

Mr. Stanley with Mr. Jenkins.

Mr. Whitaker with Mr. Miller of Maryland.

Mr. Williams with Mr. Martin of Massachusetts.

Mr. Winstead with Mr. Latham.

Mr. Fogarty with Mr. Canfield.

Mr. Eberhardt with Mr. Corbett.

Mr. Kennedy with Mr. Dolliver.

Mr. Donohue with Mr. Crawford.

Mr. Frazier with Mr. Riehlman.

Mr. Lane with Mr. Sadlak.

Mrs. Norton with Mrs. St. George.

Mr. Ribicoff with Mr. Hand.

Mr. Patten with Mr. Hugh D. Scott, Jr.

Mr. O'Neill with Mr. Miller of Nebraska.

Mr. Gorski with Mr. Cole of New York.

Mr. Hays of Ohio with Mr. Gwinn.

Mr. Hays of Arkansas with Mr. Edwin Arthur Hall.

Mr. Burton with Mr. Morton.

Mr. Abbott with Mr. Leonard W. Hall.

Mr. Byrne of New York with Mr. Chiperfield.

Mr. Barrett of Pennsylvania with Mr. Smith of Kansas.

Mr. Chudoff with Mr. Patterson.

Mr. Cavalcante with Mr. McCulloch.

Mrs. Woodhouse with Mrs. Bolton of Ohio.

Mr. Eggers of Louisiana with Mr. Lichtenwalter.

Mr. Denton with Mr. Mason.

Mr. Kelley of Pennsylvania with Mr. Fellows.

Mr. Burke with Mr. Gamble.

Mr. Smathers with Mr. Golden.

Mr. Davies of New York with Mr. Johnson.

Mr. Shelley with Mr. Scudder.

Mr. Morgan with Mr. Stockman.
Mr. Linehan with Mr. Poulsom.
Mr. Bates of Kentucky with Mr. Nelson.
Mr. Gregory with Mr. Goodwin.
Mr. Colmer with Mr. Hale.
Mr. Jones of Missouri with Mr. Jenison.
Mr. Herlong with Mr. Sanborn.
Mr. Regan with Mr. August H. Andresen.
Mr. Underwood with Mr. Barrett of Wyoming.
Mrs. Douglas with Mr. Engel of Michigan.
Mr. Harris with Mr. Jennings.
Mr. Sadowski with Mr. Vorys.
Mr. Wheeler with Mr. Keefe.
Mr. Engle of California with Mr. McMillen of Illinois.
Mr. Bailey with Mr. Murray of Wisconsin.
Mr. Furcolo with Mr. Rich.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

AMENDING THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 741 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 9129) to amend the Federal Property and Administrative Services Act of 1949, and for other purposes. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Expenditures in the Executive Departments, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

(Mr. MADDEN asked and was given permission to revise and extend his remarks.)

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. Speaker, this bill calls for the rounding out and perfecting of the existing authority for the General Services Administration. It is a piece of legislation that has been long demanded in order to have an efficient business administration of our public records, so as to keep a complete and simplified file of all governmental records.

It has the specific recommendation of the Committee on Organization for the Executive Branch of the Government. It also has the recommendation of the Hoover Commission and will cut down the cost so far as Government paper work is concerned. It is astounding when you realize the amount of paper work which is done by our Government. The files and paper work of our Government is enormously complex and costly. In the District of Columbia the Government owns or leases over 30,000,000 square feet of floor space and 5,000,000 square feet of that floor space is taken up with the files. Nine-tenths of the Federal employees are out in the field on assignments and there are over 40,000 offices throughout the country. The paper used by the Government amounts to between 7 and 10 carloads daily. There are over 800,000 typewriters used by the Government.

Mr. Speaker, there is no opposition to this bill. This bill was reported out, as I said, unanimously by the committee and has received the endorsement of the Hoover Commission, the Bureau of the Budget, the Comptroller General, and the General Services Administration.

I believe that the gentleman from Illinois, Chairman DAWSON, and the gentleman from California, Chairman HOLIFIELD of the subcommittee and its sponsor, the gentleman from Missouri [Mr. BOILING], the gentleman from Michigan [Mr. HOFFMAN], the gentleman from Indiana [Mr. HARVEY], and all the other members of the committee ought to be commended on the excellent work they have done on this legislation. The enactment into law of this bill will save the Government a great deal of money. It is legislation that has been necessary for a long, long time.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may require.

(Mr. BROWN of Ohio asked and was given permission to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, as the gentleman from Indiana [Mr. MADDEN] has explained, this resolution, House Resolution 741, makes in order under an open rule the bill H. R. 9129, to amend the Federal Property and Administrative Services Act of 1949, and for other purposes.

As the gentleman so well explained, this simply rounds out the recommendations made by the Hoover Commission so that we may get greater economy and efficiency and obtain better records management through the General Services Administration.

You will perhaps remember that in 1949 we did establish the General Services Administration which has as one of its responsibilities the control of Government records.

This bill is entirely in line with the recommendations of the Hoover Commission. It has the endorsement of various members of the Commission, as well as of the task force which was named by the Commission to make a study of records management. It is one of the few measures to come before this body which will save money instead of

81ST CONGRESS
2D SESSION

H. R. 8396

IN THE SENATE OF THE UNITED STATES

AUGUST 8 (legislative day, JULY 20), 1950

Read twice and referred to the Committee on Public Works

AN ACT

To authorize Federal assistance to States and local governments in major disasters, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That it is the intent of Congress to provide an orderly and
4 continuing means of assistance by the Federal Government
5 to States and local governments in carrying out their
6 responsibilities to alleviate suffering and damage resulting
7 from major disasters, to repair essential public facilities
8 in major disasters, and to foster the development of such
9 State and local organizations and plans to cope with major
10 disasters as may be necessary.

11 SEC. 2. As used in this Act, the following terms shall

1 be construed as follows unless a contrary intent appears from
2 the context:

3 (a) "Major disaster" means any flood, drought, fire,
4 hurricane, earthquake, storm, or other catastrophe in any
5 part of the United States which, in the determination of the
6 President, is or threatens to be of sufficient severity and
7 magnitude to warrant disaster assistance by the Federal
8 Government to supplement the efforts and available resources
9 of States and local governments in alleviating the damage,
10 hardship, or suffering caused thereby, and respecting which
11 the governor of any State (or the Board of Commissioners
12 of the District of Columbia) in which such catastrophe may
13 occur or threaten certifies the need for disaster assistance
14 under this Act, and shall give assurance of expenditure of
15 a reasonable amount of the funds of the government of such
16 State, local governments therein, or other agencies, for the
17 same or similar purposes with respect to such catastrophe;

18 (b) "United States" includes the District of Columbia,
19 Alaska, Hawaii, Puerto Rico, and the Virgin Islands;

20 (c) "State" means any State in the United States,
21 Alaska, Hawaii, Puerto Rico, and the Virgin Islands;

22 (d) "Governor" means the chief executive of any State;

23 (e) "Local government" means any county, city, vil-
24 lage, town, district, or other political subdivision of any State,
25 or the District of Columbia;

1 (f) "Federal agency" means any department, inde-
2 pendent establishment, Government corporation, or other
3 agency of the executive branch of the Federal Government,
4 excepting, however, the American National Red Cross.¹

5 SEC. 3. In any major disaster, Federal agencies are
6 hereby authorized when directed by the President to provide
7 assistance (a) by utilizing or lending, with or without
8 compensation therefor, to States and local governments
9 their equipment, supplies, facilities, personnel, and other
10 resources, other than the extension of credit under the
11 authority of any Act; (b) by distributing, through the
12 American National Red Cross or otherwise, medicine, food,
13 and other consumable supplies; (c) by donating to States
14 and local governments equipment and supplies determined
15 under then existing law to be surplus to the needs and
16 responsibilities of the Federal Government; and (d) by
17 performing on public or private lands protective and other
18 work essential for the preservation of life and property,
19 clearing debris and wreckage, making emergency repairs to
20 and temporary replacements of public facilities of local gov-
21 ernments damaged or destroyed in such major disaster, and
22 making contributions to States and local governments for
23 purposes stated in subsection (d). The authority conferred
24 by this Act, and any funds provided hereunder shall be sup-
25 plementary to, and not in substitution for, nor in limitation

1 of, any other authority conferred or funds provided under
2 any other law. Any funds received by Federal agencies as
3 reimbursement for services or supplies furnished under the
4 authority of this section shall be deposited to the credit of
5 the appropriation or appropriations currently available for
6 such services or supplies. The Federal Government shall
7 not be liable for any claim based upon the exercise or per-
8 formance or the failure to exercise or perform a discretionary
9 function or duty on the part of a Federal agency or an
10 employee of the Government in carrying out the provisions
11 of this section.

12 SEC. 4. In providing such assistance hereunder, Federal
13 agencies shall cooperate to the fullest extent possible with
14 each other and with States and local governments, relief
15 agencies, and the American National Red Cross, but nothing
16 contained in this Act shall be construed to limit or in any
17 way affect the responsibilities of the American National
18 Red Cross under the Act approved January 5, 1905 (33
19 Stat. 599), as amended.

20 SEC. 5. (a) In the interest of providing maximum
21 mobilization of Federal assistance under this Act, the Presi-
22 dent is authorized to coordinate in such manner as he may
23 determine the activities of Federal agencies in providing
24 disaster assistance. The President may direct any Federal
25 agency to utilize its available personnel, equipment, supplies,

1 facilities, and other resources, in accordance with the authority herein contained.

3 (b) The President may, from time to time, prescribe
4 such rules and regulations as may be necessary and proper
5 to carry out any of the provisions of this Act, and he may
6 exercise any power or authority conferred on him by any
7 section of this Act either directly or through such Federal
8 agency as he may designate.

9 SEC. 6. If facilities owned by the United States are
10 damaged or destroyed in any major disaster and the Federal
11 agency having jurisdiction thereof lacks the authority or an
12 appropriation to repair, reconstruct, or restore such facilities,
13 such Federal agency is hereby authorized to repair, recon-
14 struct, or restore such facilities to the extent necessary to
15 place them in a reasonably usable condition and to use there-
16 for any available funds not otherwise immediately required:
17 *Provided, however,* That the President shall first determine
18 that the repair, reconstruction, or restoration is of such im-
19 portance and urgency that it cannot reasonably be deferred
20 pending the enactment of specific authorizing legislation or
21 the making of an appropriation therefor. If sufficient funds
22 are not available to such Federal agency for use in repairing,
23 reconstructing, or restoring such facilities as above provided,
24 the President is authorized to transfer to such Federal agency
25 funds made available under this Act in such amount as he

1 may determine to be warranted in the circumstances.
2 If said funds are insufficient for this purpose, there is
3 hereby authorized to be appropriated to any Federal agency
4 repairing, reconstructing, or restoring facilities under author-
5 ity of this section such sum or sums as may be necessary to
6 reimburse appropriated funds to the amount expended
7 therefrom.

8 SEC. 7. In carrying out the purposes of this Act, any
9 Federal agency is authorized to accept and utilize with the
10 consent of any State or local government, the services and
11 facilities of such State or local government, or of any agen-
12 cies, officers, or employees thereof. Any Federal agency,
13 in performing any activities under section 3 of this Act,
14 is authorized to employ temporarily additional personnel
15 without regard to the civil-service laws and the Classifica-
16 tion Act of 1923, as amended, and to incur obligations on
17 behalf of the United States by contract or otherwise for
18 the acquisition, rental, or hire of equipment, services, mate-
19 rials, and supplies for shipping, drayage, travel and com-
20 munication, and for the supervision and administration of
21 such activities. Such obligations, including obligations aris-
22 ing out of the temporary employment of additional per-
23 sonnel, may be incurred by any agency in such amount
24 as may be made available to it by the President out of
25 the funds specified in section 8. The President may, also,

1 out of such funds, reimburse any Federal agency for any
2 of its expenditures under section 3 in connection with a
3 major disaster, such reimbursement to be in such amounts
4 as the President may deem appropriate.

5 SEC. 8. There is hereby authorized to be appropriated
6 to the President a sum or sums, not exceeding \$5,000,000 in
7 the aggregate, to carry out the purposes of this Act. The
8 President shall transmit to the Congress at the beginning of
9 each regular session a full report covering the expenditure
10 of the amounts so appropriated with the amounts of the allo-
11 cations to each State under this Act. The President may
12 from time to time transmit to the Congress supplemental
13 reports in his discretion, all of which reports shall be referred
14 to the Committees on Appropriations and the Committees
15 on Public Works of the Senate and the House of Repre-
16 sentatives.

17 SEC. 9. The Act of July 25, 1947 (Public Law 233,
18 Eightieth Congress), entitled "An Act to make surplus
19 property available for the alleviation of damage caused by
20 flood or other catastrophe", is hereby repealed.

Passed the House of Representatives August 7, 1950.

Attest: RALPH R. ROBERTS,
Clerk.

S1ST CONGRESS
2D SESSION

H. R. 8396

AN ACT

To authorize Federal assistance to States and local governments in major disasters, and for other purposes.

AUGUST 8 (legislative day, JULY 20), 1950

Read twice and referred to the Committee on Public Works

Calendar No. 2575

81ST CONGRESS }
2d Session }

SENATE

{ REPORT
No. 2571

AUTHORIZING FEDERAL ASSISTANCE TO STATES AND LOCAL GOVERNMENTS IN MAJOR DISASTERS

SEPTEMBER 14 (legislative day, JULY 20), 1950.—Ordered to be printed

Mr. McCLELLAN, from the Committee on Public Works, submitted the following

R E P O R T

[To accompany H. R. 8396]

The Committee on Public Works, to whom was referred the bill (H. R. 8395) to authorize Federal assistance to States and local governments in major disasters, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The committee conducted hearings on a similar bill, S. 2415, on July 19, 1950. Hearings were also conducted at the same time on S. 3447, S. 3495, S. 3505, and S. 3506, which provided for the emergency repair of roads, bridges, and other facilities. No action was taken on these bills since their purpose of providing emergency relief is adequately provided for in H. R. 8396.

The purpose of the bill is fully described in the report of the Committee on Public Works of the House of Representatives, pertinent paragraphs of which are as follows:

This bill will cover disasters occurring anywhere in the entire country instead of a particular State or locality.

The purpose of the bill is to provide for an orderly and continuing method of rendering assistance to the States and local governments in alleviating suffering and damage resulting from a major peacetime disaster and in restoring public facilities and in supplementing whatever aid the State or local governments can render themselves. Also it authorizes the President to coordinate the activities of all Federal agencies in such an emergency. In the past appropriations to the President have been made for relief from floods and snowstorms in particular areas without authorization, and hence this bill is not novel legislation. The bill provides a framework for the Federal Government under which prompt action can be taken in meeting the needs of stricken areas, and it will establish a general Government policy in respect to emergency relief in all future disasters, instead of meeting the problem after it occurs.

The principal amendment to the bill is to strike out section 6. This section would project the Federal Government into a grant program for the permanent construction of public utilities. It would go much beyond the development of emergency measures essential for the preservation of life and property. The

committee does not believe that such a program has any place in an authorization bill for emergency relief. Also the committee believes that restoration of local government facilities during a period in which there is no direct threat to lives and property is a responsibility of the local authorities. The committee, therefore, is unanimously of the opinion that section 6 should be stricken from the bill.

Section 2 (a) has been amended so that all requests for aid should be made by the governor of the State needing assistance in the case of a disaster and also to provide that he must give assurance of the expenditure of reasonable amounts by the States or local agencies to supplement the Federal aid.

The committee did not believe that section 2 (b) needed to be amended so that Indian communities would be included in the definition of "United States" as requested by the Department of the Interior because all such Indian communities are located in the United States and would be included in this definition.

Section 3 of the bill has been amended to provide that any funds received by Federal agencies as reimbursement for services and supplies furnished shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies. Also this section has been amended to provide that the Federal Government shall not be liable for any claims based upon the proper exercise or performance of a function or duty on the part of any Federal agency or any employee of the Government in carrying out the provisions of the section.

The bill authorizes appropriations to any Federal agency for repair and reconstruction of any of its facilities if the funds made available by the President out of emergency appropriations are insufficient.

The committee felt that inasmuch as only amounts totaling \$3,250,000 have been appropriated for major disasters, as emergency funds to be disbursed by the President, in recent years, which funds included appropriations for relief to the States in snow-bound and flooded areas, that there should be a ceiling on the total amount that might be appropriated and this ceiling or aggregate total amount authorized to be appropriated should be \$5,000,000.

It was also the committee's view that inasmuch as the President in the past designated the existing agencies of the Government to administer emergency relief, there was no occasion to authorize any part of the funds appropriated to be used for administrative expenses.

It was also felt that it would be desirable that reports should be submitted to the Congress by the President annually and from time to time as to the allocation of the funds inasmuch as lump sums have been appropriated to the President for emergency purposes.

The bills were referred to the Bureau of the Budget, the General Services Administration, the Department of the Army, the American National Red Cross, the Treasury Department, the Department of Agriculture, the Department of the Interior, the Federal Security Agency, the United States Civil Service Commission, and the Department of Commerce for comment and report. The Chief of Engineers advised as to flood damages during the past year, and the Bureau of Public Roads advised as to damages to roads and bridges in the 1950 floods and this information is contained in the hearings.

It was suggested that the bill be amended so that appropriations made should be available until expended. The committee rejected this suggestion. Such an amendment would not be in line with the purpose of the bill. The committee is of the opinion that the bill should provide authorization for emergency purposes only, and that the fund should be used for the emergency, and if not used, should be covered into the Treasury.

ANALYSIS OF H. R. 8396

Section 1: The general purpose of this bill is to give assistance to States and local governments suffering from a major disaster.

Section 2 defines a "major disaster" as any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe and makes Federal assistance available when the governor of any State certifies the need for any such assistance, and gives assurance that the State or local government will supplement the Federal aid.

Section 3 authorizes Federal agencies to provide assistance by utilizing, lending, or donating equipment, supplies, food, medicine, and personnel, and such agencies may make emergency repairs and tem-

porary replacements of public facilities of local governments damaged or destroyed by a major disaster.

Section 4 provides that Federal agencies shall cooperate with States and local governments, relief agencies, and the Red Cross in carrying out the purposes of the act.

Section 5: The President is authorized to coordinate the activities of Federal agencies in providing assistance and may direct any Federal agency to utilize its personnel, equipment, and facilities and other resources to accomplish the purposes of the act and may act directly or through such agency in accomplishing this purpose.

Section 6: Any Federal agency may use available funds not otherwise immediately required to restore any damaged or destroyed property and may be reimbursed out of future appropriations. If the agency does not have sufficient funds available, the President may transfer to such agency any funds available under this act and if such funds are insufficient then authorization for appropriation is provided for.

Section 7 provides for exemption from civil-service laws of personnel required to carry out the purposes of the act and permits any Federal agency to make contracts with local interests for the use of equipment and services. The provisions of section 607 of the Federal Employees Pay Act of 1945, as amended, shall not be applicable to additional personnel temporarily employed.

Section 8 provides that the total amount authorized to be appropriated is the sum of \$5,000,000 and also provides that the President shall report to Congress annually and in his discretion from time to time covering the expenditures of the amounts appropriated with the amounts and allocations to each State under the act.

Section 9: The act of July 25, 1947, entitled "An act to make surplus property available for the alleviation of damage caused by flood or other catastrophe," is repealed.

All the interested Federal agencies submitted favorable reports on H. R. 8396, which are included in the House Report No. 2727.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, there is printed below in one column in roman existing law, and in the opposite column in italics the matter proposed by the bill to replace existing law:

EXISTING LAW

NEW LANGUAGE

[PUBLIC LAW 233—80TH CONGRESS]

*SEC. 9. The Act of July 25, 1947
(Public Law 233, Eightieth Congress),
entitled "An Act to make surplus prop-
erty available for the alleviation of
damage caused by flood or other catas-
trophe", is hereby repealed.*

[CHAPTER 320—1ST SESSION]

[S. 1515]

AN ACT To make surplus property available for
the alleviation of damage caused by flood or
other catastrophe

*Be it enacted by the Senate and House
of Representatives of the United States of
America in Congress assembled, That,
notwithstanding any other provisions of
law, the War Assets Administration
shall, whenever the President shall de-*

EXISTING LAW

NEW LANGUAGE

termine it to be necessary or appropriate because of flood or other catastrophe, transfer, without reimbursement, to the Federal Works Agency such articles of personal property, which have been declared surplus under the provisions of the Surplus Property Act of 1944 (58 Stat. 765), as amended, as in the judgment of the Federal Works Administrator and the War Assets Administrator can be presently utilized in alleviating damage, hardship, and suffering caused by such flood or other catastrophe.

SEC. 2. The Federal Works Administrator is authorized to loan or transfer, with or without monetary consideration and upon such terms and conditions as he may prescribe, to States and local governments situated in any area struck by any such flood or catastrophe, any property transferred to the Federal Works Agency for such purposes pursuant to the provisions of this Act. All receipts from such transfer shall be covered into the Treasury of the United States to the credit of miscellaneous receipts.

SEC. 3. In carrying out the provisions of this Act the Federal Works Administrator is authorized to utilize, and act through, any other Federal agency or any State or local government and he may utilize, without reimbursement therefor, such officers and employees of any such agency or State or local government as may be found necessary in carrying out the purposes of this Act. In order to facilitate carrying out the purposes of this Act, other Federal agencies shall cooperate with the Federal Works Agency and the War Assets Administration to the fullest extent consistent with the objective of this Act.

SEC. 4. To carry out the provisions of this Act, including administrative expenses in connection therewith, any funds available to the Federal Works Administrator or Agency for use in connection with the transfer of surplus or other excess property, under Public Law 697, Seventy-ninth Congress, are hereby made available; and for such purpose there is authorized to be appropriated such additional sums as may be necessary therefor.

Approved July 25, 1947.



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Calendar No. 2575

81ST CONGRESS
2^D SESSION

H. R. 8396

[Report No. 2571]

IN THE SENATE OF THE UNITED STATES

AUGUST 8 (legislative day, JULY 20), 1950

Read twice and referred to the Committee on Public Works

SEPTEMBER 14 (legislative day, JULY 20), 1950

Reported by Mr. McCLELLAN, without amendment

AN ACT

To authorize Federal assistance to States and local governments in major disasters, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That it is the intent of Congress to provide an orderly and
- 4 continuing means of assistance by the Federal Government
- 5 to States and local governments in carrying out their
- 6 responsibilities to alleviate suffering and damage resulting
- 7 from major disasters, to repair essential public facilities
- 8 in major disasters, and to foster the development of such
- 9 State and local organizations and plans to cope with major
- 10 disasters as may be necessary.
- 11 SEC. 2. As used in this Act, the following terms shall

1 be construed as follows unless a contrary intent appears from
2 the context:

3 (a) "Major disaster" means any flood, drought, fire,
4 hurricane, earthquake, storm, or other catastrophe in any
5 part of the United States which, in the determination of the
6 President, is or threatens to be of sufficient severity and
7 magnitude to warrant disaster assistance by the Federal
8 Government to supplement the efforts and available resources
9 of States and local governments in alleviating the damage,
10 hardship, or suffering caused thereby, and respecting which
11 the governor of any State (or the Board of Commissioners
12 of the District of Columbia) in which such catastrophe may
13 occur or threaten certifies the need for disaster assistance
14 under this Act, and shall give assurance of expenditure of
15 a reasonable amount of the funds of the government of such
16 State, local governments therein, or other agencies, for the
17 same or similar purposes with respect to such catastrophe;

18 (b) "United States" includes the District of Columbia,
19 Alaska, Hawaii, Puerto Rico, and the Virgin Islands;

20 (c) "State" means any State in the United States,
21 Alaska, Hawaii, Puerto Rico, and the Virgin Islands;

22 (d) "Governor" means the chief executive of any State;

23 (e) "Local government" means any county, city, vil-
24 lage, town, district, or other political subdivision of any State,
25 or the District of Columbia;

1 (f) "Federal agency" means any department, inde-
2 pendent establishment, Government corporation, or other
3 agency of the executive branch of the Federal Government,
4 excepting, however, the American National Red Cross.

5 SEC. 3. In any major disaster, Federal agencies are
6 hereby authorized when directed by the President to provide
7 assistance (a) by utilizing or lending, with or without
8 compensation therefor, to States and local governments
9 their equipment, supplies, facilities, personnel, and other
10 resources, other than the extension of credit under the
11 authority of any Act; (b) by distributing through the
12 American National Red Cross or otherwise, medicine, food,
13 and other consumable supplies; (c) by donating to States
14 and local governments equipment and supplies determined
15 under then existing law to be surplus to the needs and
16 responsibilities of the Federal Government; and (d) by
17 performing on public or private lands protective and other
18 work essential for the preservation of life and property,
19 clearing debris and wreckage, making emergency repairs to
20 and temporary replacements of public facilities of local gov-
21 ernments damaged or destroyed in such major disaster, and
22 making contributions to States and local governments for
23 purposes stated in subsection (d). The authority conferred
24 by this Act, and any funds provided hereunder shall be sup-
25 plementary to, and not in substitution for, nor in limitation

1 of, any other authority conferred or funds provided under
2 any other law. Any funds received by Federal agencies as
3 reimbursement for services or supplies furnished under the
4 authority of this section shall be deposited to the credit of
5 the appropriation or appropriations currently available for
6 such services or supplies. The Federal Government shall
7 not be liable for any claim based upon the exercise or per-
8 formance or the failure to exercise or perform a discretionary
9 function or duty on the part of a Federal agency or an
10 employee of the Government in carrying out the provisions
11 of this section.

12 SEC. 4. In providing such assistance hereunder, Federal
13 agencies shall cooperate to the fullest extent possible with
14 each other and with States and local governments, relief
15 agencies, and the American National Red Cross, but nothing
16 contained in this Act shall be construed to limit or in any
17 way affect the responsibilities of the American National
18 Red Cross under the Act approved January 5, 1905 (33
19 Stat. 599), as amended.

20 SEC. 5. (a) In the interest of providing maximum
21 mobilization of Federal assistance under this Act, the Presi-
22 dent is authorized to coordinate in such manner as he may
23 determine the activities of Federal agencies in providing
24 disaster assistance. The President may direct any Federal
25 agency to utilize its available personnel, equipment, supplies,

1 facilities, and other resources, in accordance with the au-
2 thority herein contained.

3 (b) The President may, from time to time, prescribe
4 such rules and regulations as may be necessary and proper
5 to carry out any of the provisions of this Act, and he may
6 exercise any power or authority conferred on him by any
7 section of this Act either directly or through such Federal
8 agency as he may designate.

9 SEC. 6. If facilities owned by the United States are
10 damaged or destroyed in any major disaster and the Federal
11 agency having jurisdiction thereof lacks the authority or an
12 appropriation to repair, reconstruct, or restore such facilities,
13 such Federal agency is hereby authorized to repair, recon-
14 struct, or restore such facilities to the extent necessary to
15 place them in a reasonably usable condition and to use there-
16 for any available funds not otherwise immediately required:
17 *Provided, however,* That the President shall first determine
18 that the repair, reconstruction, or restoration is of such im-
19 portance and urgency that it cannot reasonably be deferred
20 pending the enactment of specific authorizing legislation or
21 the making of an appropriation therefor. If sufficient funds
22 are not available to such Federal agency for use in repairing,
23 reconstructing, or restoring such facilities as above provided,
24 the President is authorized to transfer to such Federal agency
25 funds made available under this Act in such amount as he

1 may determine to be warranted in the circumstances.
2 If said funds are insufficient for this purpose, there is
3 hereby authorized to be appropriated to any Federal agency
4 repairing, reconstructing, or restoring facilities under author-
5 ity of this section such sum or sums as may be necessary
6 to reimburse appropriated funds to the amount expended
7 therefrom.

8 SEC. 7. In carrying out the purposes of this Act, any
9 Federal agency is authorized to accept and utilize with the
10 consent of any State or local government, the services and
11 facilities of such State or local government, or of any agen-
12 cies, officers, or employees thereof. Any Federal agency,
13 in performing any activities under section 3 of this Act,
14 is authorized to employ temporarily additional personnel
15 without regard to the civil-service laws and the Classifica-
16 tion Act of 1923, as amended, and to incur obligations on
17 behalf of the United States by contract or otherwise for
18 the acquisition, rental, or hire of equipment, services, mate-
19 rials, and supplies for shipping, drayage, travel and com-
20 munication, and for the supervision and administration of
21 such activities. Such obligations, including obligations aris-
22 ing out of the temporary employment of additional per-
23 sonnel, may be incurred by any agency in such amount
24 as may be made available to it by the President out of
25 the funds specified in section 8. The President may, also

1 out of such funds, reimburse any Federal agency for any
2 of its expenditures under section 3 in connection with a
3 major disaster, such reimbursement to be in such amounts
4 as the President may deem appropriate.

5 SEC. 8. There is hereby authorized to be appropriated
6 to the President a sum or sums, not exceeding \$5,000,000 in
7 the aggregate, to carry out the purposes of this Act. The
8 President shall transmit to the Congress at the beginning of
9 each regular session a full report covering the expenditure
10 of the amounts so appropriated with the amounts of the allo-
11 cations to each State under this Act. The President may
12 from time to time transmit to the Congress supplemental
13 reports in his discretion, all of which reports shall be referred
14 to the Committees on Appropriations and the Committees
15 on Public Works of the Senate and the House of Repre-
16 sentatives.

17 SEC. 9. The Act of July 25, 1947 (Public Law 233,
18 Eightieth Congress), entitled "An Act to make surplus
19 property available for the alleviation of damage caused by
20 flood or other catastrophe", is hereby repealed.

Passed the House of Representatives August 7, 1950.

Attest: RALPH R. ROBERTS,

Clerk.

81ST CONGRESS
2^D SESSION

H. R. 8396

[Report No. 2571]

AN ACT

To authorize Federal assistance to States and local governments in major disasters, and for other purposes.

AUGUST 8 (legislative day, July 20), 1950

Read twice and referred to the Committee on Public Works

SEPTEMBER 14 (legislative day, July 20), 1950

Reported without amendment

Stanley Dietz, past department commander, Al E. Schumacher, past department commander, William H. Zuehlke, past department commander.)

[From the National Tribune—The Stars and Stripes of September 14, 1950]

MR. CONGRESSMAN!

President Truman, on September 6, vetoed H. R. 6217, a bill designed to grant to veterans of the Spanish-American War, the Philippine Insurrection, and the Boxer Rebellion the right to out-patient treatment by the Veterans' Administration in the same manner as if their disabilities were officially recorded as being the direct outcome of their war service. This measure was approved unanimously by both Houses of Congress.

In his message of disapproval, the Chief Executive made four major points. (1) He stated that liberal standards are used now in determining service-connection, that the disabilities suffered by Spanish War veterans are common with those of other older citizens, and that claims of service-incurrence are largely fictional. (2) He asserted that these veterans are liberally compensated, and that they are already provided with free medical and hospital care, including in-patient and out-patient treatment. (3) Mr. Truman said that the bill's provisions would place a drastic demand upon existing facilities at a time when medical services are strained. And (4), he claimed that the measure's enactment would create a precedent for veterans of later wars, would entail considerable cost, and that such provisions can be made available under social-security laws.

Each and every one of these reasons for disapproval of H. R. 6217 is false. The President has been misled by the Veterans' Administration, which somehow or other seems determined to write and interpret all veterans' laws as well as administer them. We desire, Mr. Congressman, to give you the correct information.

Liberal standards are not applied by the VA to Spanish War veterans; no rating schedules based upon Spanish War experience have ever been promulgated. In most cases their disabilities are peculiar to their service; no official disability records were kept, and they have been compelled for 50 years to treat at their own expense hearts weakened by jungle fevers, kidneys diseased by tropical illnesses, and guts rotted by foul food and water. The disabilities are real as hell.

Pension payments are not at all liberal for men with families whose ages average 75 years. These men are not given free hospital and medical care by the VA; they are not permitted in-patient or out-patient treatment by veterans' regulations. As a matter of fact, thousands of them have sought and have been denied hospitalization even when beds are available. The VA has not built sufficient beds to take care of World War I veterans alone. Spanish War veterans are being literally kicked out of hospitals to make room for younger veterans, some of them being sent home on stretchers. If beds were to be had, these elderly men in critical illness could not get to them unless they were locally situated.

Instead of placing a greater strain upon the VA, this legislation is purposed to relieve that demand, to keep these older veterans out of hospitals, to give them a chance to live and to aid them to meet the minor costs involved in purchasing essential medicines from purses strained by high living costs. Enactment of the bill should bring about savings to the Government, if properly administered.

As to precedents, the Spanish-American War veterans created their own when they went to war, volunteers to the last man. There is no comparison whatever between their service and that of veterans of later

wars, and it is foolish to attempt to create one. Sure, there will be some costs, but the care of war veterans is as much a part of the cost of wars as are the weapons furnished to fight them. And, remember, these Spanish War veterans brought back to this Nation in prizes vastly more than was spent in defeating the Spaniards.

Space forbids fuller argument, Mr. Congressman. The record is complete in committee hearings, and the reasons for treating these men differently from others have long been recognized by the Congress. Certainly, you will not seriously consider offending them by following the theory that they—or any other veterans—will at any time go under the social-security laws.

Mr. Congressman, these veterans have never asked you to do anything they considered to be unfair. This is not a case of insulting the marines. It is one of crucifying old men who have nobody to depend upon but you. They ask for your vote to override the Presidential veto of H. R. 6217.

Mr. HILL. Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Anderson	Hoey	Malone
Benton	Holland	Martin
Butler	Humphrey	Millikin
Chavez	Ives	Mundt
Connally	Johnson, Colo.	Murray
Cordon	Johnston, S. C.	Neely
Darby	Kefauver	O'Connor
Donnell	Kem	Robertson
Douglas	Kerr	Russell
Dworshak	Kilgore	Schoeppel
Ecton	Knowland	Smith, Maine
Ellender	Langer	Stennis
Ferguson	Leahy	Thye
Frear	Lehman	Tobey
Fulbright	Long	Watkins
George	McCarran	Wherry
Gillette	McClellan	Wiley
Graham	McFarland	Williams
Green	McKellar	Young
Hendrickson	McMahon	
Hill	Magnuson	

The PRESIDING OFFICER. A quorum is present. On the issue before the Senate a yea and nay vote is required by the Constitution of the United States. The question is, Shall the bill (H. R. 6217) pass, the objections of the President of the United States to the contrary notwithstanding? Those who favor overriding the President's veto will vote "yea." Those who favor sustaining the veto will vote "nay." The clerk will call the roll.

The legislative clerk called the roll.

Mr. McFARLAND. My colleague the senior Senator from Arizona [Mr. HAYDEN] is unavoidably detained. If he were present he would vote "yea."

I announce that the Senator from California [Mr. DOWNEY] is necessarily absent.

The Senator from Mississippi [Mr. EASTLAND] is absent because of illness.

The Senator from Arizona [Mr. HAYDEN], the Senator from Illinois [Mr. LUCAS], and the Senator from Pennsylvania [Mr. MYERS] are absent on public business.

The Senator from South Carolina [Mr. MAYBANK], the Senator from Florida [Mr. PEPPER] and the Senator from Utah [Mr. THOMAS] are absent by leave of the Senate.

The Senator from Alabama [Mr. SPARKMAN] is absent by leave of the Senate on official business, as a representative of the United States to the fifth

session of the General Assembly of the United Nations.

The Senator from Idaho [Mr. TAYLOR] is absent because of illness in his family.

The Senator from Kentucky [Mr. WITHERS], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Oklahoma [Mr. THOMAS] are absent on official business.

The Senator from Virginia [Mr. BYRD] is absent in attendance on a meeting of the Armed Services Committee.

Mr. WHERRY. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate. If present and voting, the Senator from Vermont [Mr. AIKEN] and the Senator from Iowa [Mr. HICKENLOOPER] would each vote "yea."

The Senator from Vermont [Mr. FLANDERS] is absent by leave of the Senate on official business as a temporary alternate governor of the World Bank.

The Senator from Maine [Mr. BREWSTER] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate as representatives of the American group to the Interparliamentary Union. If present and voting, the Senator from New Jersey [Mr. SMITH] would vote "yea."

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness, and if present, would vote "yea."

The junior Senator from Ohio [Mr. BRICKER], the Senator from Indiana [Mr. CAPEHART], the Senator from Wisconsin [Mr. McCARTHY], and the senior Senator from Ohio [Mr. TAFT] are necessarily absent. If present and voting, the Senator from Indiana [Mr. CAPEHART] and the senior Senator from Ohio [Mr. TAFT] would each vote "yea."

The Senator from Massachusetts [Mr. LODGE] is absent by leave of the Senate on official business as a representative of the United States to the fifth session of the General Assembly of the United Nations.

The Senator from Washington [Mr. CAIN], the Senator from South Dakota [Mr. GURNEY], the Senator from Indiana [Mr. JENNER] and the Senator from Massachusetts [Mr. SALTONSTALL], are detained at a meeting of the Committee on Armed Services considering the nomination of Gen. George C. Marshall. If present and voting, the Senator from Washington [Mr. CAIN] would vote "yea."

The yeas and nays resulted—yeas 58, nays 3, as follows:

YEAS—58		
Anderson	Holland	Malone
Butler	Humphrey	Martin
Chavez	Ives	Millikin
Connally	Johnson, Colo.	Mundt
Cordon	Johnston, S. C.	Murray
Darby	Kefauver	Neely
Donnell	Kem	O'Connor
Douglas	Kerr	Russell
Dworshak	Kilgore	Schoeppel
Ecton	Knowland	Smith, Maine
Ferguson	Langer	Stennis
Frear	Leahy	Thye
Fulbright	Lehman	Tobey
George	Long	Watkins
Gillette	McCarran	Wherry
Graham	McClellan	Wiley
Green	McFarland	Williams
Hendrickson	McKellar	Young
Hill	McMahon	
	Hoey	
	Magnuson	

CONGRESSIONAL RECORD—SENATE

SEPTEMBER 19

NAYS—3		
Benton	Ellender	Robertson
NOT VOTING—35		
Aiken	Hayden	Pepper
Brewster	Hickenlooper	Saltonstall
Bricker	Hunt	Smith, N. J.
Bridges	Jenner	Sparkman
Byrd	Johnson, Tex.	Taft
Cain	Lodge	Taylor
Capehart	Lucas	Thomas, Okla.
Chapman	McCarthy	Thomas, Utah
Downey	Maybank	Tydings
Eastland	Morse	Vandenberg
Flanders	Myers	Withers
Gurney	O'Mahoney	

The PRESIDING OFFICER. On this vote the yeas are 58, and the nays are 3. Two-thirds of the Members present having voted in the affirmative, the bill is passed, the objections of the President of the United States to the contrary notwithstanding.

Mr. TYDINGS subsequently said: Mr. President, the Senator from Texas [Mr. JOHNSON], the Senator from Wyoming [Mr. HUNT], the Senator from Kentucky [Mr. CHAPMAN], and I were unable to get to the Senate Chamber in time for the vote just taken overriding the President's veto, because we were in executive session considering the nomination of General Marshall to be Secretary of Defense. Although we hurried to the Senate Chamber we were unable to make it in time to be recorded on the vote. Had we been present we would have voted "yea."

Mr. MORSE subsequently said: Mr. President, I wish to make a statement similar to that just made by the Senator from Maryland [Mr. TYDINGS]. The junior Senator from Oregon asks to have the RECORD show that had he been on the floor of the Senate he would have voted to override the President's veto. The members of the Armed Services Committee were in meeting passing upon the Marshall nomination. We left as quickly as we could, upon the ringing of the bell. The roll call on this matter was one of the fastest called in the history of the Senate since I have been here. I want to say that it seems to me that when a committee is in session considering a matter of such moment as the Marshall nomination, adequate time should have been allowed the Members of the Senate to reach the Chamber to vote on a matter so important as the bill and the accompanying veto which have been under consideration by the Senate. But I want it to be understood that I have previously, in correspondence, been on record as in favor of overriding the President's veto.

The PRESIDING OFFICER. The Chair will say to the Senator from Oregon that the roll call was probably a very short one, because so many Senators are absent from the city.

PROHIBITION OF TRANSPORTATION OF GAMBLING DEVICES IN INTERSTATE AND FOREIGN COMMERCE—CONFERENCE REPORT

Mr. JOHNSON of Colorado. Mr. President, I submit a conference report on the bill (S. 3357) to prohibit the transportation of gambling devices in interstate and foreign commerce, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3357) to prohibit the transportation of gambling devices in interstate and foreign commerce having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered (1), (2), (3), (4), (5), (6), (7), (8) and agree to the same.

ED. C. JOHNSON,
ERNEST MCFARLAND,

(By E. C. J.)

JOHN J. WILLIAMS,

Managers on the Part of the Senate.

DWIGHT L. ROGERS,
LINDLEY BECKWORTH,
J. PERCY PRIEST,
JAMES I. DOLLIVER,
JOHN B. BENNETT,

Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the conference report?

Mr. MALONE. Mr. President—

The PRESIDING OFFICER. Does the Senator reserve the right to object?

Mr. MALONE. Mr. President, I intend to move to refer the bill back to conference. The junior Senator from Nevada does not intend to interrupt at this time anything the Senator from Colorado [Mr. JOHNSON] may have to say by way of debate.

The PRESIDING OFFICER. The Chair will say for the information of Senators that it is the understanding of the Chair that the conference report is of such privilege that under the rule, it can be called up at once by motion.

Mr. MALONE. I understand that it can be called up, and it has been called up, but I intend to move, and will move at the proper time, that it be returned to conference for reconsideration.

The PRESIDING OFFICER. The Chair understood that unanimous consent had been requested for the consideration of the report, and the Chair was asking if any Senator objected.

Mr. MALONE. I have no objection to bringing up the report. I understand it is a privileged matter.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

FEDERAL ASSISTANCE TO STATES AND LOCAL GOVERNMENTS IN MAJOR DISASTERS

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I move that the pending business be temporarily laid aside and that the Senate proceed to consider House bill 8396, Calendar No. 2575.

Mr. JOHNSON of Colorado. Mr. President, reserving the right to object,

I wish to ask the Senator how long he believes the discussion will take.

Mr. McCLELLAN. This is the disaster relief bill. If it develops that there will be discussion or debate on it, I shall immediately withdraw it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arkansas that the pending business be temporarily laid aside, and that the Senate proceed to the consideration of House bill 8396.

Is there objection?

Mr. McCLELLAN. Mr. President, if the measure involves long discussion or any serious objection is raised to it, I shall immediately request its withdrawal.

Mr. WHERRY. Mr. President, there is no objection on the part of the minority leader. I should like to ask what the parliamentary situation is. In order that we may not become confused over what is before the Senate, I should like to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHERRY. What is the unfinished business, what is the temporary business, and what is now proposed to be taken up on motion of the Senator from Arkansas?

Mr. JOHNSON of Colorado. The Senator from Nebraska should ask: What is the privileged business?

The PRESIDING OFFICER. The Chair will try to advise the Senate. Senate bill 3295, to amend the Railway Labor Act, and so forth, was taken up and made the unfinished business, and then laid aside.

Mr. WHERRY. We understand that to be the unfinished business?

The PRESIDING OFFICER. Yes, that is the unfinished business. Then the Senator from Colorado [Mr. JOHNSON] asked for immediate consideration of the conference report on Senate bill 3375.

Mr. WHERRY. That is the pending business, and that is a privileged matter?

The PRESIDING OFFICER. That is the immediate pending business. The Senator from Colorado thereupon was asked by the Senator from Arkansas to yield, and did yield, for the purpose of allowing the Senator from Arkansas to move to bring up House bill 8396 for immediate consideration, with the understanding that if protracted debate resulted, it would be withdrawn.

Mr. WHERRY. That is the bill, is it not, which was brought up earlier today, but request was made that it go over temporarily until later, when the senior Senator from Oregon [Mr. CORDON] could have an opportunity to examine it?

The PRESIDING OFFICER. Yes. It is House bill 8396, to authorize Federal assistance to States and local governments in major disasters.

The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 8396) to authorize Federal assistance to States and local governments in major disasters, and for other purposes.

Mr. McCLELLAN. Mr. President, this bill is the same one that I asked the

Senate to consider earlier today. Request was made by the senior Senator from Oregon that the measure be temporarily laid aside until he could have an opportunity to familiarize himself with it. Shortly thereafter the Senator from Oregon advised me that he had no objection to the bill.

As I said earlier today, the bill, which is an authorization bill, provides \$5,000,000 for help to local governments and communities in major disasters. It provides that the money shall be spent through government agencies or through the Red Cross. The bill was passed by the House. The Senate Committee on Public Works considered some four or five bills of similar character, one in particular, S. 2415, which was sponsored by some 40 Members of the Senate as coauthors. After considering the matter the Senate committee concluded that the bill passed by the House, H. R. 8396, substantially conformed to its views and judgment as to what should be enacted, and therefore reported the bill without amendment. Therefore, if the bill is passed by this body there will be no necessity for a conference on it, and the bill can be sent directly to the President.

Mr. THYE. Mr. President, will the Senator yield for a question?

Mr. McCLELLAN. Yes.

Mr. THYE. Some of the bills the able Senator from Arkansas mentioned, such as S. 2415 and S. 3505, contain provisions for relief to such local units of government as a township, and in some sections of the United States a local unit of government that may not be referred to as a township but as a parish.

The reason I ask the question is that in the event of a disastrous flood condition that may strike a community or area, it may involve an entire township, and it may cause great damage to the roads, to the bridges, and to the culverts in the township. It may cause a very great crop loss and building damage, and so forth. In addition to the damage to the individual person, the individual taxpayer would be placed in a very disastrous position from the standpoint of having a township levy imposed upon him to create a fund within the township to reconstruct the bridges and the roads and so forth.

Some of us who introduced legislative measures dealing with the subject had in mind that township units should be given consideration in the enactment of legislation so there would be no question that they would participate in the Federal assistance and relief in a widespread crop damage, personal-property damage, road and bridge damage should occur within a township, causing not only personal loss but heavy township loss, which the individuals would have to take care of by means of special assessments. Such assessments would be placed on the property of the community, and the taxpayers of the community would have no relief from any other source.

I wonder if the able chairman could give us some assurance that it was the

intention of the committee when it reported the bill, which contains the language "the State and local governments" that such "local governments" shall include the smallest local government or unit.

Mr. McCLELLAN. If the able Senator from Minnesota will turn to page 2, line 23, he will find "local government" defined. The language is:

"Local government" means any county, city, village, town, district, or other political subdivision of any State.

Therefore, if a township is a political subdivision it would certainly be covered.

Mr. THYE. Last spring in the northwestern part of the State of Minnesota a flood covered much of several townships. As the flood waters receded some of the turnpike were found to be completely washed out. All the hard surfacing and the gravel was gone. Most of the bridges had been damaged. In some instances they were completely washed out, or the footings were washed out, and it was necessary to reconstruct the entire structure. In a case of that kind could we expect, under the bill, that if the township could show that it was confronted not only with a crop loss and damage to personal property but also damages to highways and bridges, some consideration would be given the township by way of extending funds to it?

Mr. McCLELLAN. With respect to highways and bridges, I call the Senator's attention to subparagraph (d) of section 3, on page 3, which authorizes this money to be spent for "work essential for the preservation of life and property, clearing debris and wreckage, making emergency repairs to and temporary replacements of public facilities of local governments damaged or destroyed in such major disaster, and making contributions to States and local governments for purposes stated in subsection (d)."

That is the authority which is contained in this measure specifically with reference to local governments, in the case of property belonging to local governments.

Mr. THYE. Mr. President, the making of temporary repairs might include throwing some type of small bridge across a creek, to accommodate traffic while the regular bridge was being built. Is that what the Senator has in mind?

Mr. McCLELLAN. The language of the bill at this point is—making emergency repairs to and temporary replacements of public facilities of local governments damaged or destroyed in such major disaster.

It is not the purpose of this bill, as I understand, to have the Federal Government take over the entire obligation of restoring everything which may be damaged.

Mr. THYE. My question does not seek to establish that the bill would provide complete relief, such as would be provided under an insurance policy.

Mr. McCLELLAN. To the extent that this measure authorizes the restoration, repair, or replacement of local govern-

ment facilities, such as the facilities of townships or other political agencies, in my opinion they are covered.

Mr. THYE. The Federal Administrator of this measure or of the funds provided under it might sit down with a town board or country board and determine that a certain disaster had occurred and that there was a loss which the local unit of government could not in any way sustain, and that the Federal Government should match the funds of the local unit of government, in order to replace the facilities.

Mr. McCLELLAN. The disaster would have to be one of the major disasters of which the bill speaks. This measure is not broad enough to cover every flash flood which washes out a bridge somewhere. The disaster must reach the proportions of a major disaster, as defined in the bill. If the major disaster involved the destruction of roads in a township and all over a country, or whatever was required in order to have the disaster constitute a major disaster, then any local unit of government within the area of the major disaster would be eligible for consideration under the bill.

Mr. THYE. I thank the very able Senator for the explanation, which I am very glad to have, because there has been a question about this matter. Township units have never heretofore, as I understand, been eligible to receive Federal assistance in the event of an emergency in the nature of a flash flood, for instance, or a cloudburst which affects a great area and perhaps washes out the roads and bridges of an entire township.

Mr. McCLELLAN. I may say to the able Senator, that I do not think this measure would apply in such an instance, but I believe it would apply only where there is such destruction, caused by floods, earthquake, or storm, as to constitute, under the definition contained in the bill, a major disaster, as such.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. YOUNG. Suppose a township had 10 miles of roads washed out. How could the township share in the Government assistance provided by this measure, so far as repairing those roads was concerned?

Mr. McCLELLAN. In my opinion the country could not do so, as I have tried to point out, unless there was so much damage in the area, from storm or floods, for instance, as to warrant the disaster being denominated, under the provisions of this bill, a major disaster, and if the President ordered the agencies of the Federal Government to provide such relief. If the disaster came within that definition and came within the scope of a major disaster, as defined in the bill, then any township or county or district or other local unit of government within the particular disaster area, which would be declared such by the President, would share in whatever benefits were provided.

Mr. YOUNG. How would they share? Would that depend upon the amount of the appropriation?

Mr. McCLELLAN. This measure authorizes an appropriation of \$5,000,000. It does not fix any amount for any particular major disaster. All the funds would be available and at the disposal of the President, under such circumstances.

Mr. YOUNG. Does the bill provide for any particular matching system? Would a local unit of government, under such a matching system, have to match the Federal contribution up to the extent of 25 percent, 50 percent, or 90 percent, for instance?

Mr. McCLELLAN. That matter could be handled in either way, under the terms of the bill. The local unit of government could be required to make some contribution toward such restoration.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. ROBERTSON. I am interested in learning from the distinguished Senator from Arkansas the details in regard to how the bill would apply to a case in which only two or three or four counties in a State were affected by a flood.

In Virginia we do not have a great Mississippi River flowing through the State and likely, when an overflow of the river occurs, to inundate several States or to flood homes on such an extensive scale as to become a national problem. Our main problem is with flash floods, which may not occur more than once in half a century—such as the flood which occurred at Bridgewater, in the valley of Virginia, last year, and caused a million and a half dollars' worth of damage in a very limited area, or the flood which occurred in Botetourt County, and in Rockbridge County, my home county, a few days ago. I saw an estimate that approximately \$75,000 damage had been done to the main State roads in my home county. Much damage was also done in Botetourt County, and several people lost their lives, and many homes were lost.

Is that the kind of damage for which relief could be secured under this measure, or is this measure limited to floods of the Mississippi River, for instance, and cases in which two or three States suffer damage at the same time?

Mr. McCLELLAN. I can answer the Senator by saying that, according to the provisions of the bill—

"Major disaster" means any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe in any part of the United States which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States and local governments in alleviating the damage, hardship, or suffering caused thereby, and respecting which the governor of any State (or the Board of Commissioners of the District of Columbia) in which such catastrophe may occur or threatens certifies the need for disaster assistance under this act, and shall give assurance of expenditure of a reasonable amount of the funds of the government of such State, local governments therein, or other agencies, for the same or similar purposes with respect to such catastrophe.

Mr. ROBERTSON. Is it the Senator's interpretation that the bill would apply to whatever disaster the President might be pleased to have it apply?

Mr. McCLELLAN. That is correct; but of course the bill is intended to reach major disasters, where the local governments find that it is impossible for them to cope with the situation without having outside assistance.

Mr. ROBERTSON. Today I am receiving many telegrams about the disaster in my home county. If the Senator from Arkansas were interpreting this bill and if the Congress appropriated \$5,000,000 for such disasters, I should like to know whether the Senator would fix upon any given number of persons who could obtain the relief? Or, if the Senator from Arkansas then were the President and were passing upon that matter, if two or three counties were involved and if a great deal of suffering had occurred in those counties, but the disaster was not national in scope though it was a major disaster so far as the persons who were concerned were affected, what would the Senator do in that event?

Mr. McCLELLAN. Of course, I do not anticipate that I shall ever be called upon to administer this act or any other act which imposes such a duty upon the President of the United States. I cannot answer for him, of course.

However, I think we certainly can rely upon whoever may be President of the United States having some judgment, and also having some humanitarian feelings and applying such feelings in making a decision as to what is a major disaster, where people have suffered or are about to suffer, and where the Federal Government should step in and assist.

I might add to what I have said that Senators will find that the bill requires that the Governor of the State shall certify the existence of a disaster.

Mr. ROBERTSON. Did I correctly understand the distinguished Senator to say that in his opinion there could be a major disaster which affected only one city?

Mr. McCLELLAN. I should say so.

Mr. ROBERTSON. In Virginia there could be a city of 10,000 persons which might be thus affected. The Senator would not apply a size limit to the cities which could secure such assistance, would he?

Mr. McCLELLAN. I have not done so, and neither would the bill.

Mr. ROBERTSON. Could the bill apply to any city?

Mr. McCLELLAN. Of course, I am not interpreting the bill.

Mr. ROBERTSON. I am asking for the Senator's interpretation of the bill, because some day we are going to be at the White House asking for some relief under this measure; and we wish to know what is intended when the \$5,000,000 appropriation is authorized.

Mr. McCLELLAN. I am sure the Senate knows that the Congress intends to authorize the appropriation of this stand-by fund of \$5,000,000 to apply to any community or locality in the United States, as I interpret the proposed law, or to any unit of government in the

United States, where a major disaster occurs from one of these causes.

Mr. ROBERTSON. Let us pursue this line of inquiry a little further. Of course a county is a unit of government.

Mr. McCLELLAN. Yes.

Mr. ROBERTSON. In the opinion of the Senator, the bill will apply to a unit of government; ergo, it will apply to a county. Is that correct?

Mr. McCLELLAN. Yes; it would apply to a county.

Mr. CHAVEZ. Not only that, Mr. President, but I think we can go further in interpreting the bill. Within the local entity, the county, there might be several villages. There might be a small village of 150 persons which could be affected by a major disaster, so far as that particular village was concerned.

Mr. ROBERTSON. That is the very point I am trying to get at. If the Senator's home and my home were washed away, to us it would be a major disaster.

Mr. CHAVEZ. Certainly.

Mr. ROBERTSON. And if it affects the entire community, that certainly would be contemplated by this bill.

Mr. CHAVEZ. I think that is what was meant.

Mr. McCLELLAN. That is what I tried to say. In my opinion it could occur in one city.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield to the Senator from North Dakota.

Mr. LANGER. I did not get the Senator's answer to the question asked by my distinguished colleague the Senator from North Dakota [Mr. YOUNG]. There is a township which, as he says, has 10 miles washed out. Does the fund have to be matched by the township?

Mr. McCLELLAN. It is for supplemental assistance, but it does not necessarily have to be matched in every instance. Funds for temporary repairs and replacements do not have to be matched.

Mr. LANGER. Does not the Senator feel that the sum of \$5,000,000 is totally inadequate?

Mr. McCLELLAN. I hope it will be adequate, but I could not give the Senator assurance that \$5,000,000, or even \$10,000,000, or any other sum, would be adequate to meet any situation which might arise.

Mr. LANGER. Was it not stated in the report by the Engineers that the total amount of the loss as a result of these floods and disasters would be about \$32,000,000?

Mr. McCLELLAN. I do not recall that figure. The Senator may be correct.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. CHAVEZ. As I recall, the figure of the Army engineers was based on the losses sustained in large floods several years ago in the Missouri River Valley. But in that instance, the loss amounted to more than \$32,000,000. It amounted to hundreds of millions of dollars.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. LANGER. I yield.

Mr. YOUNG. The Army engineers' estimate of the losses in the Red River

Valley and in the upper Mississippi was something like \$33,000,000.

Mr. McCLELLAN. Mr. President, I do not think anyone should gain the erroneous impression that it is the purpose that this bill shall apply to all losses occurring in the United States, so that everyone who sustained a loss might be compensated by the Government. If anyone is laboring under that impression, it certainly is not the intent of the Congress and it is not the intent of the sponsors of the bill. The purpose of the bill is to meet emergency needs, and to meet a situation which the local people cannot meet except at the cost of great suffering and hardship. It is not to make whole everyone who may lose property or may sustain damage. If we were going to do that, of course, the Government would get into everything. But this plan is something which has been used before. We have made appropriations such as this before. At this time we are attempting to provide for a somewhat different administration of the program. Heretofore it applied to but one governmental agency. I remember that at one time it applied to the Public Works Agency. But any agency may be called upon by the President to lend its assistance, its facilities, its tools, and its equipment for the purpose of making emergency repairs or temporary replacements.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. HOLLAND. Mr. President, it seems to me that some of the questions indicate that at least certain Members of the Senate have a completely different understanding of the meaning of this bill from that which I am sure is intended. We have had disaster relief legislation before. The basis which has always been applied is that the disaster must be of such major proportions that the governor of the State in which the disaster takes place feels that it is beyond the power of the State and of the local units of government to meet it adequately. The same wording is absolutely repeated in this act, so no new field for the extension of relief is created. It is spelled out much more clearly and effectively in this bill than in the old legislation. I should like to call attention, if I may, by permission of the Senator from Arkansas—

Mr. McCLELLAN. I am very glad to yield to the Senator.

Mr. HOLLAND. I should like to call attention to the entire definition of "major disaster," as it appears in subsection (a) of section 2 of the act, which reads:

(a) "Major disaster" means any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe in any part of the United States which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States and local governments in alleviating the damage, hardship, or suffering caused thereby, and respecting which the governor of any State (or the Board of Commissioners of the District of Columbia) in which such catastrophe may occur or threaten certifies the need for disaster as-

sistance under this act, and shall give assurance of expenditure of a reasonable amount of the funds of the government of such State, local governments therein, or other agencies, for the same or similar purposes with respect to such catastrophe.

It seems very clear to me, Mr. President, that this provision does not apply except in the case of major disasters, with respect to which governors find themselves unable, with State and local legislation, to cope with the damage which has been sustained.

Mr. LANGER. Mr. President, if the Senator will yield, in my opinion the amount contained in the bill is totally inadequate, in view of the facts.

Mr. McCLELLAN. It may be. I am not insisting that it is not, but we can always increase the amount. I hope my colleagues will allow me to proceed to obtain passage of the bill. I have imposed upon the very distinguished Senator from Colorado, who yielded to me for that purpose. I feel sure we all want to pass this legislation.

Mr. LANGER. Mr. President, I move as an amendment to the bill, that at the appropriate place, the figure "\$5,000,-000" be stricken out and "\$10,000,000" be substituted. It can do no harm. If it is not needed, we do not need to spend it.

Mr. McCLELLAN. Mr. President, ordinarily I would not be unwilling to take such an amendment to conference. However, the bill we are trying to pass is identical with the bill passed by the House. If we adopt an amendment which the House will not accept—and I think I have reason to believe that this particular amendment might not be accepted—we might find ourselves without anything. I ask Senators to bear in mind that we shall be in session again in January, and when we are in session we can always take care of emergencies if more funds are needed.

Mr. HOLLAND. I hope that the Senator from North Dakota, who is, of course, proceeding in excellent faith and from motives which I appreciate, will not insist upon his amendment, for the reasons stated by the Senator from Arkansas. A conference would make it very difficult to get this bill passed. The \$5,000,000, if it is authorized, would be considerably more than any single amount we have heretofore provided for disaster relief. We shall be back here after the first of the year, and I shall be happy to join with the Senator from North Dakota in increasing the amount. But I feel that to offer an amendment at this time would jeopardize passage of the bill.

Mr. McCLELLAN. I am afraid it would.

Mr. LANGER. In view of that statement, I withdraw the amendment.

The PRESIDING OFFICER (Mr. HUNT in the chair). The Senator from North Dakota withdraws his amendment.

Mr. THYE. Mr. President, inasmuch as section 6 of the bill has been stricken, and since that was one of the provisions for which some of us were striving when we introduced the proposed legislation last winter or in the early spring, I ask unanimous consent that a very brief

statement be printed in the body of the RECORD following my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

In urging adoption of legislation to coordinate Federal activities in assisting State and local governments to alleviate human suffering and property damage resulting from disasters such as floods, forest fires, blizzards, or hurricanes, I regret that authorization of grants in aid by the Federal Government for restoration of local public facilities in stricken areas is not included. Nevertheless, I believe that the pending measure is needed and will prove helpful and I hope that H. R. 8396, as adopted by the House of Representatives, and now reported by the Committee on Public Works, will be enacted in this session of Congress.

It is Nation-wide in application. It provides an orderly and continuing method of Federal assistance to States and local governments if a disaster strikes and the Governor of a State certifies the need for such assistance. It authorizes coordination of Federal activities and provides a framework for prompt and alert action. It authorizes funds to be expended in a manner similar to the authorization for the President's emergency fund, and provides reports to Congress as to the allocation of such funds.

Forty-two Members of the Senate a year ago joined in the sponsorship of a bill to authorize Federal assistance to States and local governments in major disasters and providing for appropriate coordination of relief activities, and this measure forms the basis for the pending legislation which was subsequently introduced in the House. This is a matter which has had the concern and attention of Members of the Senate in the past but unfortunately the need is not immediately apparent until a disaster strikes in one's own State, and, for that reason, it is difficult to obtain action on a comprehensive relief measure.

We have recently had in Minnesota some of the worst floods in a half century, causing a great deal of damage to property, both public and private, and resulting in suffering on the part of many individuals. We have found it regrettable, in attempting to meet our situation in Minnesota, that a measure such as this was not long since adopted by Congress. Although I know that the provisions of this bill will not affect the still present need for restoration of damaged State and local facilities in Minnesota, I am strongly in favor of the legislation in order that other States, and my own State, in the future, may not have the experience that we have had during the past year when we have found that, in spite of the sincere efforts of Federal agencies, there has not been an appropriate disaster relief organization whereby our Federal Government could fully implement its efforts in dealing with these critical needs when they arise. The legislation now before the Senate will help meet that problem in the future, and I earnestly urge that action be taken in the Senate prior to our recess at this time.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be offered, the question is on the third reading of the bill.

The bill was ordered to be read a third time.

The bill (H. R. 8396) was read the third time and passed.

TRIBUTES TO SENATOR GURNEY AND SENATOR DARBY

Mr. WILEY. Mr. President, there appears in today's issue of the Washington Evening Star a tribute to one of our dis-

Distinguished Members, the Senator from South Dakota [Mr. GURNEY]. I shall ask that this tribute be printed in the RECORD. First, I am very happy to read one or two of the sentences which appear in the editorial. The Senator from South Dakota has been in the Senate for a number of years, and we have all learned to love him and respect him. He is a worker. What is needed in the Senate and everywhere in America is a willingness to work.

Only recently the Senate Committee on Armed Services presented to CHAN GURNEY a scroll. It was a very unusual proceeding, but it emphasized what every member of that committee, regardless of politics, felt about the service of this very fine gentleman and Senator.

There are in this particular editorial a few sentences characterizing the man, and quoting from the language of the resolution, as follows:

In his long and distinguished service in the United States Senate, the welfare of his country and the cause of freedom everywhere have received his undivided support. Never has he given way to narrow partisan lines that served the cause of expediency.

Further, the editorial says:

And as second ranking minority member of the committee during the Eighty-first Congress, he has been a tower of strength in working for defense policies. Mr. GURNEY is a Republican, but in his work for national defense nobody ever thought of him as Republican or Democrat. He was a United States Senator, trying to serve the best interests of his country. The people of his State have decided to retire him from politics for the time being. But Mr. GURNEY leaves behind him a record of which they should be proud.

Mr. President, that is about as fine a commendation as could be given. In the Book of books, it is stated of one that He went about doing good. That can be said of the Senator from South Dakota while he has been in the Senate. As I say, he is not the kind to make a great deal of noise or to become vociferous, but he works. This is a tribute by a newspaper which certainly cannot be classified as Republican. I am very happy at this time to ask that the entire editorial be printed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TRIBUTE TO SENATOR GURNEY

Members of Congress take a fatalistic view toward the vicissitudes of politics. They know that while many are called, few are chosen by the voters to remain very long at the Capitol and the departure of the defeated, at the end of a session, is marked by no ceremony expressing the regret of those who remain.

All of which makes even more unusual the unusually pleasant action of the Senate Committee on Armed Services the other day in presenting to CHAN GURNEY, of South Dakota, a scroll, memorializing in a formal way the services he has rendered to his country. One of the nice things about this gesture was that it came about spontaneously and represented the unanimous action of Mr. GURNEY's colleagues. Furthermore, it was wholly deserved. In the language of the resolution, "In his long and distinguished service in the United States Senate, the welfare of his country and the cause of

freedom everywhere have received his undivided support. Never has he given way to narrow partisan lines that served the cause of expediency."

Though a member of the minority in the Seventy-ninth Congress, the Democratic administration leaned on him heavily for important legislation during the war. As first postwar chairman of the newly created Armed Services Committee of the Eightieth Congress, he helped perfect the unification legislation. And as second ranking minority member of the committee during the Eighty-first Congress, he has been a tower of strength in working for defense policies. Mr. GURNEY is a Republican. But in his work for national defense nobody ever thought of him as Republican or Democrat. He was a United States Senator, trying to serve the best interests of his country. The people of his State have decided to retire him from politics for the time being. But Mr. GURNEY leaves behind him a record of which they should be proud.

Mr. McFARLAND. Mr. President, if the Senator will yield, I too desire to compliment the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. JOHNSON of Colorado. Mr. President, I have the floor. I am very glad to yield to other Senators who wish to join in the expressions of the Senator from Wisconsin. But first, I want to say that I join with him completely and wholeheartedly. I served on the Armed Services Committee when it was known as the Military Affairs Committee. I served all through the war with the Senator from South Dakota and I know how truthful that editorial is. I now yield to the Senator from Arizona.

Mr. McFARLAND. I am happy that the distinguished Senator from Wisconsin [Mr. WILEY] has requested permission to place in the RECORD the newspaper story about our distinguished colleague and I join with him in his commendation of the Senator from South Dakota [Mr. GURNEY], who is one of the hardest working Senators of the Senate. The Senator from South Dakota does not talk very much, but he does a great deal of work. He is deserving of every commendation that has been or may be made about him.

Mr. JOHNSON of Colorado. Mr. President, I yield to the Senator from New Mexico [Mr. ANDERSON] who is a native of South Dakota.

Mr. ANDERSON. Mr. President, I am deeply grateful to the Senator from Wisconsin for saying what he did about the Senator from South Dakota [Mr. GURNEY]. I wish I had the capacity to say about him what I have in my heart.

Those of us who were born in South Dakota—and there are five of us in this distinguished assemblage who claim South Dakota as our birthplace—are as proud as we can be to have been associated in the Senate with the Senator from South Dakota. He is a distinguished citizen of our country. He has brought credit to all of us who come from South Dakota. As a native of South Dakota, I am happy indeed that I have had the opportunity to pay this brief tribute to him.

I express the hope that before the session concludes the distinguished minority leader, the Senator from Nebraska [Mr. WHERRY], will arrange some

special occasion when those of us who feel very kindly toward the junior Senator from Kansas [Mr. DARBY] may have an opportunity to express our tributes to the very wonderful and fine character and amiable disposition of the distinguished Senator from Kansas, whom I deeply regret to see leaving this body.

Mr. WHERRY. Mr. President, I do not wish to take the time of the distinguished Senator from Colorado [Mr. JOHNSON] for the purpose suggested, but I know of no better time than now. If the Senator from Colorado will permit, I think this is the opportune time to make such observations as the distinguished Senator from New Mexico [Mr. ANDERSON] has suggested. If he would rather have some other time set aside, I shall be glad to take it up with the acting majority leader. I certainly think it is fitting that those of us who wish to pay tribute to Senators who are leaving, should make such an opportunity available.

After all, the most pleasant side of our service in the Senate is made up of association, of friendships formed, and the kind memories of our colleagues and friends on both sides of the aisle. The Senator from New Mexico has referred to the distinguished Senator from Kansas [Mr. DARBY], and I heartily concur in the tribute paid to him. I have been closely associated for almost 8 years with the Senator from South Dakota on the Committee on Appropriations, and it is fitting indeed that kind words should be said of him. There are other Senators who are leaving. I did not mean to single out the Senator from Kansas and the Senator from South Dakota, but those Senators were referred to by my colleagues. I am very glad that the distinguished Senator from Wisconsin [Mr. WILEY] placed in the RECORD the editorial extolling the Senator from South Dakota. It is timely, and I wish to be associated with the Senator's remarks, as well as the remarks of other Senators.

I suggest to the acting majority leader that in arranging his program for the next day or two, he permit Senators to make such observations. I think it would be a good thing to do.

Mr. JOHNSON of Colorado. I yield to the Senator from Arizona.

Mr. McFARLAND. Mr. President, so far as the acting majority leader is concerned, I am willing to cooperate, now or at any other time, in trying to help provide time for commendation of Senators who are leaving the Senate.

While I have the opportunity I should like to say with respect to the Senator from Kansas that he has made a wonderful record in the short time he has been here. He is admired and respected by all of us who have come in contact with him. He has grasped the work of the Senate in a very short period of time, and is discharging his responsibility in a remarkable manner. I am proud to be one of those who are his friends.

Mr. JOHNSON of Colorado. Mr. President, I agree completely with what the Senator has said with respect to both Senators. I now yield to the Senator from Alabama.

[PUBLIC LAW 875—81ST CONGRESS]

[CHAPTER 1125—2D SESSION]

[H. R. 8396]

AN ACT

To authorize Federal assistance to States and local governments in major disasters, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the intent of Congress to provide an orderly and continuing means of assistance by the Federal Government to States and local governments in carrying out their responsibilities to alleviate suffering and damage resulting from major disasters, to repair essential public facilities in major disasters, and to foster the development of such State and local organizations and plans to cope with major disasters as may be necessary.

SEC. 2. As used in this Act, the following terms shall be construed as follows unless a contrary intent appears from the context:

(a) "Major disaster" means any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe in any part of the United States which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States and local governments in alleviating the damage, hardship, or suffering caused thereby, and respecting which the governor of any State (or the Board of Commissioners of the District of Columbia) in which such catastrophe may occur or threaten certifies the need for disaster assistance under this Act, and shall give assurance of expenditure of a reasonable amount of the funds of the government of such State, local governments therein, or other agencies, for the same or similar purposes with respect to such catastrophe;

(b) "United States" includes the District of Columbia, Alaska, Hawaii, Puerto Rico, and the Virgin Islands;

(c) "State" means any State in the United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands;

(d) "Governor" means the chief executive of any State;

(e) "Local government" means any county, city, village, town, district, or other political subdivision of any State, or the District of Columbia;

(f) "Federal agency" means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government, excepting, however, the American National Red Cross.

SEC. 3. In any major disaster, Federal agencies are hereby authorized when directed by the President to provide assistance (a) by utilizing or lending, with or without compensation therefor, to States and local governments their equipment, supplies, facilities, personnel, and other resources, other than the extension of credit under the

authority of any Act; (b) by distributing, through the American National Red Cross or otherwise, medicine, food, and other consumable supplies; (c) by donating to States and local governments equipment and supplies determined under then existing law to be surplus to the needs and responsibilities of the Federal Government; and (d) by performing on public or private lands protective and other work essential for the preservation of life and property, clearing debris and wreckage, making emergency repairs to and temporary replacements of public facilities of local governments damaged or destroyed in such major disaster, and making contributions to States and local governments for purposes stated in subsection (d). The authority conferred by this Act, and any funds provided hereunder shall be supplementary to, and not in substitution for, nor in limitation of, any other authority conferred or funds provided under any other law. Any funds received by Federal agencies as reimbursement for services or supplies furnished under the authority of this section shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies. The Federal Government shall not be liable for any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Government in carrying out the provisions of this section.

SEC. 4. In providing such assistance hereunder, Federal agencies shall cooperate to the fullest extent possible with each other and with States and local governments, relief agencies, and the American National Red Cross, but nothing contained in this Act shall be construed to limit or in any way affect the responsibilities of the American National Red Cross under the Act approved January 5, 1905 (33 Stat. 599), as amended.

SEC. 5. (a) In the interest of providing maximum mobilization of Federal assistance under this Act, the President is authorized to coordinate in such manner as he may determine the activities of Federal agencies in providing disaster assistance. The President may direct any Federal agency to utilize its available personnel, equipment, supplies, facilities, and other resources, in accordance with the authority herein contained.

(b) The President may, from time to time, prescribe such rules and regulations as may be necessary and proper to carry out any of the provisions of this Act, and he may exercise any power or authority conferred on him by any section of this Act either directly or through such Federal agency as he may designate.

SEC. 6. If facilities owned by the United States are damaged or destroyed in any major disaster and the Federal agency having jurisdiction thereof lacks the authority or an appropriation to repair, reconstruct, or restore such facilities, such Federal agency is hereby authorized to repair, reconstruct, or restore such facilities to the extent necessary to place them in a reasonably usable condition and to use therefor any available funds not otherwise immediately required: *Provided, however,* That the President shall first determine that the repair, reconstruction, or restoration is of such importance and urgency that it cannot reasonably be deferred pending the enactment of specific authorizing legislation or the making of an appropriation therefor. If sufficient funds are not available to such Fed-

eral agency for use in repairing, reconstructing, or restoring such facilities as above provided, the President is authorized to transfer to such Federal agency funds made available under this Act in such amount as he may determine to be warranted in the circumstances. If said funds are insufficient for this purpose, there is hereby authorized to be appropriated to any Federal agency repairing, reconstructing, or restoring facilities under authority of this section such sum or sums as may be necessary to reimburse appropriated funds to the amount expended therefrom.

SEC. 7. In carrying out the purposes of this Act, any Federal agency is authorized to accept and utilize with the consent of any State or local government, the services and facilities of such State or local government, or of any agencies, officers, or employees thereof. Any Federal agency, in performing any activities under section 3 of this Act, is authorized to employ temporarily additional personnel without regard to the civil-service laws and the Classification Act of 1923, as amended, and to incur obligations on behalf of the United States by contract or otherwise for the acquisition, rental, or hire of equipment, services, materials, and supplies for shipping, drayage, travel and communication, and for the supervision and administration of such activities. Such obligations, including obligations arising out of the temporary employment of additional personnel, may be incurred by any agency in such amount as may be made available to it by the President out of the funds specified in section 8. The President may, also, out of such funds, reimburse any Federal agency for any of its expenditures under section 3 in connection with a major disaster, such reimbursement to be in such amounts as the President may deem appropriate.

SEC. 8. There is hereby authorized to be appropriated to the President a sum or sums, not exceeding \$5,000,000 in the aggregate, to carry out the purposes of this Act. The President shall transmit to the Congress at the beginning of each regular session a full report covering the expenditure of the amounts so appropriated with the amounts of the allocations to each State under this Act. The President may from time to time transmit to the Congress supplemental reports in his discretion, all of which reports shall be referred to the Committees on Appropriations and the Committees on Public Works of the Senate and the House of Representatives.

SEC. 9. The Act of July 25, 1947 (Public Law 233, Eightieth Congress), entitled "An Act to make surplus property available for the alleviation of damage caused by flood or other catastrophe", is hereby repealed.

Approved September 30, 1950.

